

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gore	Martine, N. J.	Smoot
Brandeggee	Hitchcock	Nelson	Swanson
Furton	Jones	Norris	Thomas
Chamberlain	Kenyon	Overman	Thornton
Chilton	Kern	Page	Vardaman
Clapp	Lane	Pomerene	Walsh
Fall	Lea, Tenn.	Robinson	West
Fletcher	Lewis	Sheppard	White
Gallinger	Martin, Va.	Simmons	Williams

The PRESIDING OFFICER. Thirty-six Senators have answered to their names. A quorum is not present. The Secretary will call the names of absent Senators.

Mr. NORRIS. I rise to a parliamentary inquiry. Is not the motion to adjourn still in order, and are we not entitled to a vote on that motion?

The PRESIDING OFFICER. The motion to adjourn is in order. The Secretary will call the names of absent Senators.

The Secretary called the names of the absent Senators, and Mr. SILAFROTH, Mr. SHIELDS, Mr. SMITH of South Carolina, Mr. STERLING, and Mr. STONE answered to their names when called.

Mr. POINDEXTER and Mr. BRADY entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-three Senators have answered to their names. There is not a quorum present.

Mr. JONES. Is a motion to adjourn pending, or has it been withdrawn? If there is no motion to adjourn pending, I move that the Senate take a recess until 11 o'clock to-morrow.

Mr. GALLINGER. I will inquire if the motion to adjourn is not pending?

The PRESIDING OFFICER. The Chair did not understand that a motion to adjourn was made. The Senator from Nebraska indicated a purpose to make the motion, but, as the Chair understood him, he did not make it.

Mr. NORRIS. I did make it; but I have had an understanding with the Senator from Indiana—

Mr. KERN. I think by unanimous consent we may agree to a recess until 11 o'clock to-morrow—

Mr. NORRIS. I am willing to agree to that—

Mr. KERN. With the understanding that there is to be a morning hour on Wednesday.

Mr. NORRIS. With the understanding that to-morrow we will adjourn, and have a morning hour on Wednesday. With that understanding, I am willing to agree to the motion for a recess.

Mr. SMOOT. Mr. President, I think, under the rules, that can not be done; but inasmuch as unanimous consent is asked for that purpose, I shall not object. However, I desire this statement to go in the RECORD.

Mr. JONES. I withdraw my motion, then, so that the Senator from Indiana may submit his motion.

The PRESIDING OFFICER. There being no objection, the order of the Senate will be to stand in recess until 11 o'clock to-morrow. The Chair hears none.

Thereupon (at 5 o'clock and 40 minutes p. m., Monday, September 14, 1914) the Senate took a recess until to-morrow, Tuesday, September 15, 1914, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

Monday, September 14, 1914.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Jehovah, "Life-giving, life-sustaining potentate," our Father in heaven, let Thy spirit come mightily upon us to illumine our minds and hearten us for every task, that we may act wisely in all the complicated problems which have come to us as a people in these troublesome days. Keep us free from entanglements, that we may be ready as a peacemaker should the opportunity present itself, giving succor, aid, and comfort to the distressed and sorrowing, and so fulfill the law of Christ. Amen.

The Journal of the proceedings of Saturday, September 12, 1914, was read and approved.

Mr. MANN. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the point of order there is no quorum present; evidently there is not.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House. The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Aiken	Elder	Knowland, J. R.	Patten, N. Y.
Anthony	Fairchild	Korby	Payne
Austin	Faison	Kreider	Peters
Baker	Farr	Lafferty	Platt
Barchfield	Finley	L'Engle	Porter
Bartholdt	Fitzgerald	Lesher	Pou
Bartlett	Floyd	Levy	Powers
Blackmon	Gardner	Lewis, Md.	Riordan
Brodbeck	George	Lewis, Pa.	Rothermel
Brown, N. Y.	Gerry	Lindquist	Rouse
Browning	Godwin, N. C.	Loft	Rupley
Burke, Pa.	Goldfogle	McClellan	Sabath
Byrnes, S. C.	Graham, Pa.	McGillcuddy	Scully
Calder	Griest	Mahan	Slemp
Cantor	Griffin	Maher	Smith, Idaho
Carew	Guernsey	Manahan	Smith, N. Y.
Carlin	Hamill	Martin	Sparkman
Casey	Harris	Meritt	Steenerson
Chandler, N. Y.	Hart	Mitchell	Stout
Connolly, Iowa	Hensley	Montague	Stringer
Coury	Hinds	Moore	Sutherland
Covington	Hobson	Morin	Tavener
Crisp	Hoxworth	Mott	Taylor, N. Y.
Dershem	Hullings	Mulkey	Vare
Dickinson	Humphreys, Miss.	Murdock	Watkins
Dies	Jones	O'Brien	Webb
Doolling	Kennedy, Conn.	Oglesby	White
Doolittle	Kent	O'Leary	Wilson, N. Y.
Driscoll	Key, Ohio	O'Shaunessy	Winslow
Drukker	Kless, Pa.	Palmer	Woodruff
Eagan	Kindel	Park	Woods
Eagle	Kinhead, N. J.	Parker	

The SPEAKER. On this roll call 305 Members—a quorum—have answered to their names.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The question was taken, and the motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6454. An act to authorize the Government exhibit board for the Panama-Pacific International Exposition to install any part or parts of the Government exhibit at the said exposition either in the exhibit palaces of the Panama-Pacific International Exposition Co. or in the Government building at said exposition.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 754. An act for the relief of Jacob M. Cooper;

S. 725. An act to correct the military record of Aaron S. Winner;

S. 1063. An act for the relief of Philip Cook; and

S. 2472. An act for the relief of Herman Von Werthern.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6454. An act to authorize the Government exhibit board for the Panama-Pacific International Exposition to install any part or parts of the Government exhibit at the said exposition either in the exhibit palaces of the Panama-Pacific International Exposition Co. or in the Government building at said exposition; to the Committee on Industrial Arts and Expositions.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5065. An act for the relief of Mirick Burgess.

DISTRICT DAY—ALLEY DWELLINGS IN DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of further considering the bill H. R. 13219, and after that is concluded any other bill or resolution which may have been reported from the Committee on the District of Columbia which may be called up by that committee.

The SPEAKER. The gentleman from Kentucky moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of District of Columbia business.

Mr. JOHNSON of Kentucky. And pending that motion, Mr. Speaker, I would be glad to arrive at an agreement, if possible, at some time when general debate shall close on this bill.

The SPEAKER. Which bill?

Mr. JOHNSON of Kentucky. H. R. 13219.

Mr. BORLAND. Mr. Speaker, at the time the committee rose, on last District day, as I recall it, I had the floor and had yielded some portion of one hour's time. I think I had yielded about 20 minutes on this particular bill. I had an hour's time, and I think I had yielded about 20 minutes.

Mr. JOHNSON of Kentucky. Ten minutes.

Mr. BORLAND. About 10 minutes, the chairman says; so I think I have about 47 minutes remaining of my hour.

The SPEAKER. The gentleman from Kentucky is seeking to get an agreement—

Mr. MANN. How much time does the gentleman want?

Mr. BORLAND. I want about 40 minutes.

The SPEAKER. What suggestion has the gentleman from Kentucky to make?

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent that all general debate be closed upon this bill in two hours, one half of the time to be controlled by myself and the other half by the gentleman from Illinois [Mr. MANN]; and out of my time I yield 40 minutes to the gentleman from Missouri [Mr. BORLAND].

The SPEAKER. Pending the motion to go into the Committee of the Whole House on the state of the Union the gentleman from Kentucky [Mr. JOHNSON] asks unanimous consent that all the time for general debate be limited to two hours on the bill H. R. 13219, one hour to be controlled by himself and the other hour by the gentleman from Illinois [Mr. MANN]; and out of the hour the gentleman from Kentucky yields 40 minutes to the gentleman from Missouri [Mr. BORLAND]. Is there objection?

Mr. MANN. Mr. Speaker, I shall not object, although I doubt whether the full time will be used—

Mr. JOHNSON of Kentucky. I hope it will not be.

Mr. MANN (continuing). For the benefit of the Members of the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Kentucky. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Kentucky. I made the motion that the House resolve itself into the Committee of the Whole House on the state of the Union for a specific purpose. The Speaker put the motion somewhat differently from the way I had made the motion, and I desire to know whether or not we are adopting the motion made by me.

The SPEAKER. The proper motion is the way the Chair put it.

Mr. JOHNSON of Kentucky. My motion, Mr. Speaker, was that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of further considering House bill 13219, and next after that any other bill or resolution which has been reported from the Committee on the District of Columbia and which may be called up by the committee.

The SPEAKER. The gentleman called up that bill and then made his motion to go into Committee of the Whole House on the state of the Union to consider that bill; but it seems to the Chair that the House can not instruct the committee as to its program for the day. That is a matter for the Chairman of the Committee of the Whole House on the state of the Union to pass upon. But evidently the House proposes to take up House bill 13219.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 13219) to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys in the District of Columbia, with Mr. WINGO in the chair.

The CHAIRMAN. When the committee last rose it had under consideration the bill H. R. 13219, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 13219) to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys in the District of Columbia.

Mr. JOHNSON of Kentucky. Mr. Chairman, I yield 40 minutes to the gentleman from Missouri [Mr. BORLAND].

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] is recognized for 40 minutes.

Mr. MADDEN. Mr. Chairman, will the gentleman yield to me for a minute before he starts?

Mr. BORLAND. I will yield to the gentleman half a minute.

Mr. MADDEN. I want to make a very brief statement. I will not take a half minute. The gentleman need not state the limit.

Mr. BORLAND. Mr. Chairman, I yield to the gentleman from Illinois.

Mr. MADDEN. Mr. Chairman, in the consideration of the Clayton antitrust bill the Senate has written into it two new sections which I think will be very injurious to the business interests of the country if they are adopted into law, and I desire to ask unanimous consent to extend my remarks on the bill, as it is pending in conference now.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] asks unanimous consent to extend his remarks in the Record. Is there objection?

Mr. DONOVAN. On what subject, Mr. Chairman?

Mr. MADDEN. On the Clayton antitrust bill. I have just been permitted to speak.

The CHAIRMAN. On the subject of the Clayton antitrust bill. Is there objection to the gentleman's request?

There was no objection.

Mr. BORLAND. Mr. Chairman, the bill under consideration is the so-called alley bill, or the bill to eliminate the inhabited alleys of the District of Columbia, which has attracted a good deal of attention among Members of the House, and has aroused the interest of good people all over the country. In my judgment, no more important bill in the interest of the District has been proposed in the six years I have served in Congress. These alley slums are a menace to the health, safety, and morals of the people. They are breeding places of crime and disease. They contribute largely to the expense of the District government for police and sanitation. They are the direct cause of an increased death rate here, especially among babies under 1 year of age. They surround the houses of the average citizen and the respectable toilers; they lurk behind the palaces of the wealthy, and they flourish under the very shadow of the Dome of the Capitol. They are a menace not only to the citizens of Washington, but to all the sojourners here, to all the temporary residents who are brought here for the purpose of conducting the Federal Government. The National Capital ought to be free from such a menace as these inhabited alleys have been. They are wholly out of place in a national capital. For 40 years they have been a constantly increasing source of danger, moral and physical. In that 40 years Congress has spent money with a lavish hand in beautifying Washington, in building a system of parks, boulevards, squares, and circles, and in erecting monuments and stately public buildings, and yet if we had spent one tithe of the money that we have spent upon monuments and circles in improving the healthful and moral conditions of the District these alleys would have disappeared long ago.

The time has come when the inhabited alleys of the District of Columbia must go, for the condition has been getting steadily worse. These alleys are centers of disease. They radiate out insubstantial influences. They are the homes of the servant class, who enter into every apartment house and every home in the District. They are the homes of the washerwoman class, the furnace man, the waiter, and the bell boy, who all dwell in these inhabited alleys. They contain the laundries of scores of families. The clothing of ladies and children are washed in these inhabited alleys and amid these insubstantial surroundings.

The death rate of the District of Columbia, which is much larger than it ought to be in a national capital, is due almost entirely to the unhealthful condition of these alleys. Here is a report of 1912, comparatively recent, by one of the investigators of these alleys, which shows that the death rate per thousand of all ages in the alleys is 30.09, while in the streets it is 17.56. In other words, the death rate in the alleys is almost double the death rate of those who live on the streets.

Now, let us see where that unusual death rate is. For children under 1 year the death rate in the alleys is 373 to the thousand, and on the streets it is 158 to the thousand. Babies under 1 year die at the rate of 373 to the thousand in the alleys, and the alleys are one reason, in my judgment, for the death of 175 to the thousand on the streets, so that none of the babies escape this contagion. Here are some of the causes of death: Pneumonia, tuberculosis, whooping cough, diarrhea, and so forth, with the statistics given.

The campaign for a cleaner, better city for our National Capital, for moral and healthful surroundings for the humble dwellers of the District, was taken up this summer with great vigor by some noble Christian women—Mrs. Hopkins, Mrs. Wood, Mrs. Bicknell, and scores of others. At their head, lending them every aid and encouragement that was possible from her high position and great character, stood that splendid Christian woman, who for all too brief a time was mistress of the White House—Mrs. Woodrow Wilson. Mrs. Wilson, whose splendid Christian character has glorified for all time the Executive Mansion of our Nation, took an active interest in this movement for the redemption of the slums. Her interest,

like that of the other ladies, was not passive or formal only, but active, vigorous, and effective. She threw her whole soul into the work. Each day some one or more of these ladies took certain Senators and Congressmen personally on tours of inspection through the alleys. These tours enabled many of us to see with our own eyes the shocking conditions in the byways and dark corners of our great Capital. Mrs. Wilson's interest never flagged. Her heart had gone out to the dying babies, to the children growing up in ignorance, filth, and vice, to the voiceless victims of greed and neglect. In the last conscious moments of her life the misery of the alleys; the helplessness of age, sickness, poverty; the awful blight that man's greed had placed upon the humble still weighed upon her heart. She, who in her fatal illness was surrounded by all the tender ministrations of a great and tender husband and a devoted family, whose bedside was watched by the prayers of a nation, to whose aid every resource of science was summoned, could still, forgetful of self, reach out her sympathies to the humblest of her countrymen. She told those at her bedside that she felt she could go in greater peace if she knew that legislation would be passed to heal the plague spots of the alley slums. When that wish was telephoned to the committees of the Senate and the House this bill was passed hastily by the Senate and agreed to by the House committee. Thus the first step was taken to complete the work so nobly begun.

I am going to vote for this present bill, although I am sorry that it does not go far enough to constitute what I believe to be a workable and practicable scheme for the elimination of these alleys. But it does amount to a very distinct declaration of policy on the part of Congress that the inhabited alley in the District of Columbia must go; that it is a menace to health, a menace to morals, and a menace to the public interests of the people of this community.

I say the bill does not go far enough. In my judgment, it ought to provide not only for the elimination of the alleys but also for some workable scheme articulating with the present law in the District of Columbia, by which some of the alleys can be eliminated each year and by which something of a useful nature can take their places. In other words, the alleys ought to be either converted into minor streets or applied to business purposes, and then the rehousing of the alley population ought to accompany the elimination of the alleys. Those two features ought to be embraced in any legislation by Congress to eliminate the alleys. But we have made a fight for the elimination of these alleys, and we have gotten this far, and, in my judgment, every friend of the elimination of the alleys and the reform in the District ought to set a stake down as far as we have gotten, and then let the forces of reform go on still farther.

The commissioners tell me that they aided in the preparation of a bill, which I would very much prefer, the so-called commissioners' bill. It provided for the elimination of certain alleys annually, and for an excess condemnation of the land in the interior of the blocks, so that the alleys might be transformed. Proper machinery would, of course, be provided to accomplish that under the general code of the District. But when the clash came between the friends of reform and those in the District, and possibly elsewhere, who are opposed to the elimination of alleys, largely, I think, on selfish grounds, the friends of reform seemed to have met an insurmountable obstacle. In other words, I think the reactionary element in the District have fought the friends of reform to a standstill. The alley committee have succeeded in getting this bill, and they say this is all they can get. That word comes from the so-called committee of 50, which is the alley committee of the citizens of the District. They feel that they can get nothing more at this time than this bill.

If they feel that that is true, then I am going to help them see that they get this bill. I think they could have gotten a good deal more, at least with the sanction of this House, and could have provided adequate legal machinery for the permanent elimination of alleys.

I want to call attention to the fact that this alley fight that culminated this summer is no new thing. It arose from the fact that the situation has been getting worse.

Here is a report by Mr. Thomas Jesse Jones, dated October, 1912, in which he uses some very significant language:

Objectionable and dangerous as these alleys have been since the Civil War, the history of the effort for legislative treatment of the condition is a story of 40 years of struggle which has borne but comparatively little fruit. On almost every occasion the forces of selfishness have succeeded in overthrowing any appeal to Congress for a systematic treatment of all the blocks infected with these byways. It was in 1872 that the first act providing for the condemnation of insanitary dwellings became effective. This act was in force until 1880, when greed succeeded in having the act omitted from the health regulations of the District. After 26 years of inaction, the condemnation power was reenacted and vested in the board for the condemnation of insanitary

buildings (May, 1906). The work of this board in regard to alley houses from 1907 to the present year is summarized below:

Year.	Number of alley houses—		
	Examined.	Repaired.	Demolished.
1907.....	175	33	89
1908.....	156	64	124
1909.....	79	50	52
1910.....	94	97	68
1911.....	78	71	42
Total.....	582	315	375

According to this table an average of 75 alley houses have been destroyed annually during the last five years. At this rate it will be at least 40 years before Washington is rid of the 3,337 houses now forming these 275 dangerous centers of contagion. Other than the reenactment of the condemnation law, only one act affecting the general alley situation has been passed since the Civil War. This was the law of 1892 forbidding the construction of dwellings in alleys less than 30 feet in width.

So to-day, after more than 40 years' agitation, we are almost at the same point that we have been all the time. In other words, we passed a law providing for the elimination of alleys, but provided no machinery by which it can be done within a reasonable time.

The District Commissioners have had this matter investigated, and the statistics have been prepared at the request of this alley committee. I was surprised to find the very modest amount of money that could be involved in this proposition under any aspect of the case. I have here a statement prepared for the District Commissioners of every inhabited alley in the District, with the exact number of houses in each; an estimate of the number of alleys that can be turned into minor streets, and an estimate of the number of alleys that can not be turned into minor streets.

Mr. BATHRICK. What are the totals?

Mr. BORLAND. There are 273 inhabited alleys in the District of Columbia, containing a total of over 3,330 inhabited houses.

Mr. RUCKER. What is the number of inhabitants in those houses?

Mr. BORLAND. The number of inhabitants in those houses is nearly 12,000. There are over 3,300 houses, containing a population of over 12,000 people, in 273 inhabited alleys. Of these 273 inhabited alleys 204 ought to be depopulated entirely. If this bill reached all of those 204 it would accomplish the main purpose that we have in view. Sixty-nine of the 273 alleys should be converted into minor streets. Of those that ought to be depopulated 27 should be converted to business uses, 173 should be used only for alley purposes; that is, to give rear entrance to other property, and 4 should be converted into playgrounds.

Mr. COADY. I want to ask the gentleman how the number of alleys in this city compares with the number of alleys in other cities of like size? Does the gentleman know that?

Mr. BORLAND. I think the inhabited alley is largely a Washington problem. There are some cities that have a large number of inhabited alleys, but in most cities they are not the evil that they are here. The conditions here have been explained, showing how this evil has grown up in Washington because of the large interior portions of the big blocks into which the city is laid out.

Mr. COADY. What is the average width of these alleys?

Mr. BORLAND. The average width of these alleys is about 18 or 20 feet. The statement which I am going to put into the RECORD shows the width of every one of these alleys:

EXECUTIVE OFFICE,
COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, August 27, 1914.

MY DEAR MR. BORLAND: I am sending you a letter which I promised to write explaining my estimate of the cost of the alley project.

I had prepared an estimate of the number of squares in which a minor street would be opened by condemnation and also an estimate of the number of squares which would be treated by the other method, the mere prohibition of the use of buildings for residence purposes.

I estimate that 69 of the 273 squares would have minor streets run through them. We assumed that the value of the property acquired for the actual street in those 69 squares would be \$1,450,000. I find by adding up the number of houses in those 69 squares that they total 1,629.

I am also inclosing the table prepared by Mrs. Bicknell and Miss Brown making an estimate of treatment of the various alley squares; also the estimate of the assessor as to costs. At the time Mr. Richards made the estimate he explained to me in detail the two paragraphs referring to the cost of elimination of alley houses, which you will notice in his letter, but those details have slipped my mind and Mr. Richards is on his vacation and won't be back for two or three days. I am therefore sending his letter to you with the suggestion that you see him as soon as he returns and get him to explain the figures.

I am going away this afternoon for my vacation, but I have left a note with Mr. Richards asking him to see you on this subject as soon as he comes back.

I would also suggest that you confer with Mrs. Bicknell, who helped compile the attached memorandum, and I have written her a note asking her to confer with you.

As I explained to you in our talk the other day, no estimate has been made or could be made of the cost of the excess condemnation. Mr. Richards's estimates covering only the value of the property actually to be used as a street. I feel, however, as if the cost for excess condemnation should not give concern, in view of the fact that the District will own the property, the value of which will be increased by the creation of the minor street, and the cost of which will be more than returned by either the lease or sale of the resubdivided excess property.

I have also left with Mr. Siddons a memorandum to get in touch with you on this alley matter immediately, and also Mr. Syme as soon as he returns from his vacation, so that you will be prepared by September 14.

I would not take my vacation at this time, but would stay and help you in this matter, were it not for the fact that my brother is seriously ill and I feel as if I should be in Des Moines, and must go now or not at all.

Wishing you success and with best personal regards, I am,
Very truly yours,

O. P. NEWMAN.

To the members of the executive committee of the committee of fifty:

In compliance with your instructions the subcommittee appointed to investigate the inhabited alleys of Washington for the purpose of indicating which of them should be converted into minor streets and which eliminated for residence uses herewith submits its report. It will be understood that the recommendations included in this report must be tentative in the absence of complete information. The members of the committee have carefully gone over the official plat book of the alleys in connection with the alley directory. Mr. Butts, of the health office, who is thoroughly familiar with the alleys, gave the committee invaluable assistance. The members of the committee themselves are also familiar with many of the larger alleys.

The work has been performed with the idea in mind that wherever it is possible to make a minor street this should be done in order to provide homes for working people at reasonable rentals. In some instances, where the number of houses is rather large, elimination has been suggested, because the alley occupies the corner of a block or because for some other reason it seems impracticable to cut a street directly through.

The whole number of inhabited alleys in the city are 273.

Alleys with over 50 houses.....	3
Alleys from 40 to 50 houses.....	9
Alleys from 30 to 40 houses.....	10
Alleys from 20 to 30 houses.....	35
Alleys from 15 to 20 houses.....	24
Alleys from 10 to 15 houses.....	33
Alleys with 10 houses.....	159

NORTHWEST (20 HOUSES AND OVER).

Dingman Place.....	22
Fenton Place.....	62
Logan Court.....	32
Hanover Alley.....	33
Baltimore Court.....	20
Brooks Court.....	26
Cooksey Place.....	66
Balls Court.....	23
Jackson Hall Alley.....	33
Naylor's Alley.....	24
Hollidge Court.....	22
Richardson Alley.....	20
Essex Court.....	21
Goat Alley.....	46
Freemans Place.....	24
Glick Alley.....	42
Le Droit Court.....	20
Bladgens Alley.....	46
Covington Street.....	24
Temperance Avenue.....	34
Cedar Court.....	31
Chester Court.....	49
Union Court.....	22
Sumner Alley.....	20
Hays Court.....	20
Lingers Court.....	30
O'Brien's Court.....	39
Alexander Court.....	23
Government Alley.....	27
Stevens Court.....	24
Peach Alley.....	23
Snows Court.....	47
Phillips Court.....	21
Hughes Court.....	25
Cecil (Cissel) Alley.....	25

SOUTHWEST (20 HOUSES AND OVER).

Nolans Court.....	41
Pierce Court.....	25
B and Half Street Alley.....	22
Armory Place.....	22
Dixons Court.....	44
Van Alley.....	28
Cullinanes Alley.....	24
Huntton Court.....	28
Clark Alley.....	44

NORTHEAST (20 HOUSES AND OVER).

Jackson Street.....	39
Schotts Alley.....	44
Gordon Avenue.....	39
Third-and-a-half Street.....	20
Brewers Court.....	30
Linden Court.....	22
Wyles Court.....	25

SOUTHEAST (20 HOUSES AND OVER).

Francis Place.....	25
Browns Court.....	25
Marks Court.....	22
Navy Place.....	80
Hope Avenue.....	23
Cooksey Alley.....	21

Dingman Place (North Capitol and First, E and F): Houses should be taken down and land used for garages unless taken by the Government for public park between station and the Capitol.

Fenton Place (North Capitol and First, K and L): A simple minor street proposition, except for public school facing on street.

Logan Court (North Capitol and First, L and Pierce Streets): If made into a minor street, the houses on the north side should be eliminated in order to abolish the interior alley between Pierce Street and Logan Court.

Hanover Alley (North Capitol and First, N and O): Is now 60 feet wide from North Capitol Street to alley running north and south, but should be given an equal width on First Street.

Baltimore Court (First and Third, N and O): If Second Street NW. were widened from N to O, it would correct the evils in Baltimore Court.

Brooks Court (First and Third, O and P): Is back of Armstrong Manual Training School. Could be made quite simply into a minor street by cutting through and widening from First Street to Third.

Cooksey Place (First and Third, Q and R): Cooksey Court and Reeves Place are all in the same block with Cooksey Place. It would not be an expensive proposition to cut minor streets from north to south and east to west, thereby eliminating all unpleasant conditions in the three places.

Balls Court (Second and Third, G and Massachusetts Avenue): Could be made into minor street, but is in a business district. It could therefore be used for garages and stables.

Jackson Hall Alley (Third and Fourth-and-a-half, C and Pennsylvania Avenue): Would be difficult to make into a minor street. It is an excellent business section and could be used advantageously for warehouses and laundries.

Naylor's Alley (Fourth and Fifth, K and L): Impossible to cut into a minor street on account of Convention Hall. Would be good location for business if cleared out.

Hollidge Court (Fourth and Fifth, O and P): A simple minor street. Richardson Place (Fourth and Fifth, R and Rhode Island Avenue): If cut through to New Jersey Avenue is wide enough for a minor street as it stands. About three houses would have to be taken out.

Essex Court (Sixth and Seventh, H and I): Thirty feet wide now. Is splendid business location. If desired to make into a minor street, could be cut simply to Sixth Street, and expensively to Seventh.

Goat Alley (Sixth and Seventh, L and M): Might be made into a playground by elimination of alley houses and buying straight through to M and L, leaving People's Congregational Church on M Street and building municipal washhouse on L Street. Openings would then be large enough to prevent evils of interior park or playground.

Freeman's Place (Sixth and Seventh, N and O): Should be taken for business purposes, since half of it is already so taken.

Glick Alley (Sixth and Seventh, S and Rhode Island Avenue): Is not adaptable to minor street. Land would be in demand for business purposes.

Le Droit Court (Sixth and Seventh, S and T): Houses should be eliminated and turned over to business, since more than half of the alley is already used for business.

Bladgens Alley (Ninth and Tenth, M and N): Difficult to make into minor street. Probably should be a playground or made suitable for business purposes. One minor street could be run through from M to N, houses eliminated, and ground resold for business purposes.

Covington Street (Ninth and Tenth, R and Rhode Island Avenue): Could be made into a minor street by eliminating houses on one side and buying three houses and lots fronting on Rhode Island Avenue.

Temperance Avenue (Twelfth and Thirteenth, T and U): Now 25 feet wide. Could be made into a minor street by buying through to T and to U street, eliminating houses on one side.

Cedar Court (Thirteenth and Fourteenth, S and T): Minor street running east and west. Four houses in rear of proposed minor street should be eliminated.

Chester Court (Thirteenth and Fourteenth, S and T): Fine business location. Entirely eliminated.

Union Court (Fifteenth and Sixteenth, L and M): Should be eliminated. Excellent place for warehouses.

Sumner Alley (Sixteenth and Seventeenth, L and M): De Sales Street might be cut through from Sixteenth and Seventeenth to advantage. Sumner Alley houses should all be eliminated. Excellent business location.

Hays Court (Seventeenth and Eighteenth, D and E): To open as minor street from east to west. Simple proposition.

Lingers Court (Nineteenth and Twentieth, L and M): Simple minor street proposition.

O'Brien's Court (Twentieth and Twenty-first, E and F) and Columbia Terrace: Minor street suggested. Elimination of all houses and replatted.

Alexander Court (Twentieth and Twenty-first, K and L): Elimination suggested for business purposes.

Government Alley (Twentieth and Twenty-first, L and M): Only about 12 brick and 9 frame houses. Elimination suggested. Good location for garages.

Stevens Court (Twenty-first and Twenty-second, K and L): Minor street might be cut from north to south if location is desired for houses, otherwise elimination is suggested.

Peach Alley (Twenty-first and Twenty-second, M and N): Ward Place, 49.74 feet wide, practically a minor street, is in same square as Peach Alley. Another minor street could be cut from M to N along what is now called Wards Court, and houses on pockets adjoining that should be eliminated.

Snows Court (Twenty-fourth and Twenty-fifth, I and K): Should be made into a playground by buying (or condemning) all property within and facing Twenty-fourth and Twenty-fifth abutting the alley.

Phillips Court (Twenty-fourth and Twenty-fifth, M and N): Could be made into two minor streets.

Hughes Court (between Twenty-fifth and Twenty-sixth, I and K): Simple minor street proposition.

Cecil (Cissel) Court (Wisconsin Avenue and Potomac Street, Water and Grace): Minor street from Grace to Water Streets suggested.

Grace Street should be widened, being only 20 feet wide. Houses in pocket should be eliminated.

SOUTHWEST ALLEYS.

Nolans Court (Half and First, M and N): If widened, would make a good minor street; only 30 feet wide now. Houses all frame.

Pierce Court (Half and First, N and O): All frame houses. Minor street might be cut through if needed. Not a congested district. Elimination suggested.

B and Half Street Alley (Second and Third, C and Canal): Simple minor street proposition. Houses on one side of alley could be saved.

Armory Place (Third and Four-and-a-half, Maine and Maryland Avenues): Elimination suggested. May be accomplished through condemnation of land by Congress.

Dixons Court (Third and Four-and-a-half, H and I): Minor street could be cut through from Third to Four-and-a-half, saving most of the houses on one side of the alley.

Van Alley (Third and Four-and-a-half, M and N): Simple minor street proposition.

Collinanes Alley (Four-and-a-half and Sixth, H and I): Simple minor street proposition.

Huntoon Court (Four-and-a-half and Sixth, N and O): Minor street proposition, with elimination of houses on one side of alley and eight more houses on a transverse alley.

Clark Alley (Four-and-a-half and Sixth, M and N): A simple minor street proposition.

NORTHEAST ALLEYS.

Jackson Street Alley (North Capitol and First, G and H): Simple minor street proposition.

Schotts Alley (First and Second, B and C): Might be recommended for two minor streets, with elimination of houses on side alleys.

Gordon Avenue (Second and Third, F and G): Minor street proposition.

Third-and-a-half Street (Third and Fourth, F and G): Minor street; simple proposition.

Brewers Court (Sixth and Seventh, G and H): Minor street proposition, with elimination of houses on branch alleys.

Linden Court (Thirteenth and Fourteenth, G and H): Would make a good residence street from north to south, but would not cut to good advantage from east to west.

Wyllies Court (Thirteenth and Fourteenth, H and I): Good minor street from Thirteenth to Fourteenth.

SOUTHEAST ALLEYS.

Francis Place (First and Second, N and O): Is 40 feet wide within. Entrances of equal width should be bought to the street.

Browns Court (Sixth and Seventh, A and B): Simple minor street proposition.

Marks Court (Sixth and Seventh, F and G): Elimination suggested. Business location.

Navy Place (Sixth and Seventh, G and I): Two minor streets could be put through this square.

Hope Avenue (Twelfth and Thirteenth, D and E): Simple minor street proposition.

Cooksey Alley (Twelfth and Thirteenth, G and I): Should be opened north and south from G to I.

NORTHWEST ALLEYS (10 TO 20 HOUSES).

McCullough Street	12
Jackson Alley	16
Half Street Court	12
Purdys Court	13
Union Alley	16
Chews Alley	15
Madison Alley	18
Hahns Court	11
Rovers Court	19
Pierce Street Court	19
Burdens Court	10
Blands Court (part of)	10
Herberts Alley	10
Prathers Alley	19
Kings Court	19
Blands Court	15
Madison Alley	17
Shepherd Alley	10
Nailors Alley	11
Union Court	10
Nine-and-a-half Street Alley	11
Quaker Alley	12
Valley Street	13
Greens Court	17
Liberty Street	17
Vermont Court	11
Queens Alley	16
Johnsons Court	17
Reeds Court	13
Ricketts Court	11
Greens Court	12
Kings Court	14
Rock Court	14
Poplar Alley	12
Bells Court	10
Hills Court	12

SOUTHWEST ALLEYS (10 TO 20 HOUSES).

Capitol Court	14
Temple Court	14
Browns Court	14
Limerick Court	16
O'Neils Court	15
Clarks Court	10
Clarks Alley	10
Broad Alley	17
Pleasant Alley	10
Allen Court	16
Locust Court	13
Burkes Alley	15
Pig Alley	17
K Street Alley	11
Desmond Alley	13

Douglas Court	NORTHEAST ALLEYS (10 TO 20 HOUSES).	11
Rumsey Court	SOUTHEAST ALLEYS (10 TO 20 HOUSES).	12
Mechanics Place		18
Gessford Place		11
London Court		12
Harrison Avenue		16

NORTHWEST ALLEYS (10 TO 20 HOUSES).

McCullough Street, considered with Dingman Place: Eliminated.
Jackson Alley (North Capitol and First, G and H): Probably will be absorbed by Government Printing Office. Houses on branch alley should be eliminated.

Half Street Court (Pierce and M, North Capitol and First): Good houses, but no way to open minor street. Elimination for business suggested.

Purdys Court (B and Pennsylvania Avenue, First and Second): Elimination.

Union Alley (D and E, First and Second): Elimination for business purposes suggested.

Chews Alley (E and F, First and Second) and Madison Alley are in same square. Elimination suggested.

Madison Alley: Elimination.

Hahns Court (F and G, First and Second): Seven houses only; 11 reported in directory. Elimination for business.

Rovers Court (K and L, First and New Jersey Avenue): Minor street between First and New Jersey Avenue.

Pierce Street Court (L and Pierce, First and New Jersey Avenue): Minor street from First to New Jersey Avenue.

Burdens Court (Pierce and M, First and New Jersey Avenue): Would make a good playground for M Street High School and Simmons School.

Blands Court (part of): Elimination.

Blands Court (V and W, Third and Fourth): Inexpensive minor street. Could be widened easily from Second to Fifth.

Herberts Alley (between Trumbull and Bryant, Third and Fourth): Elimination.

Prathers Alley (between K and I, Fourth and Fifth): Elimination for business purposes.

Kings Court (N and O, Fourth and Fifth): Elimination.

Madison Alley (M and N, Sixth and Seventh): Elimination for business.

Shepherd Alley (L and M, Ninth and Tenth): Elimination for business.

Nailors Alley (N and O, Ninth and Tenth): Elimination for business.

Union Court (V and W, Ninth and Tenth): Minor street from V to W.

Nine-and-a-half Street Alley (between T and U, Tenth and Eleventh): Minor street from U to T.

Quaker Alley (R and S, Twelfth and Thirteenth): Elimination.

Valley Street (S and T, Twelfth and Thirteenth): Minor street from S to T.

Greens Court (L and Massachusetts Avenue, Thirteenth and Fourteenth): Could be made into minor street or used for business. Fine business district.

Liberty Street (W and Florida Avenue, Thirteenth and Fourteenth): Minor street from Florida Avenue to W Street.

Vermont Court (L and M, Fourteenth and Fifteenth): Elimination for business.

Queens Alley (L and M, Eighteenth and Nineteenth): Minor street from L to M. Houses on side street eliminated.

Johnsons Court (E and F, Twenty-first and Twenty-second): Minor street from E to F.

Reeds Court (L and M, Twenty-second and Twenty-third): Minor street from L to M.

Ricketts Court (E and F, Twenty-third and Twenty-fourth): Minor street from E to F.

Greens Court (I and K, Twenty-sixth and Twenty-seventh): Elimination.

Kings Court (K and L, Twenty-sixth and Twenty-seventh): Minor street from K to L.

Rock Court (N and Olive, Twenty-seventh and Twenty-eighth): Would not be adaptable to minor street. Good playground for Phillips School.

Poplar Alley (O and P, Twenty-seventh and Twenty-eighth): Minor street suggested from Twenty-seventh to Twenty-eighth.

Bells Court (P and Volta Place, Thirty-third and Thirty-fourth): Elimination.

Hills Court or Champlain Place (Champlain and Ontario Road): Elimination all are frame houses.

SOUTHWEST ALLEYS (10 TO 20 HOUSES).

Capitol Court (between Delaware Avenue and First, B and C): Elimination suggested.

Temple Court (Delaware Avenue and First, D and E): Elimination. Probable use for business.

Browns Court (First and Second, F and G): Could make a minor street from east to west.

Limerick Court (Second and Third, D and Virginia Avenue): Simple minor-street proposition.

O'Neil Court (Second and Third, F and G): Simple minor street.

Clarks Alley (Third and Four-and-a-half, D and Virginia Avenue): Simple minor-street proposition.

Clarks Court (Third and Four-and-a-half, C and D): Simple minor street.

Five below all minor streets:
Broad Alley (Third and Four-and-a-half, F and G).

Pleasant Alley (Third and Four-and-a-half, G and H).

Allen Court (Third and Four-and-a-half, L and M).

Locust Court (Four-and-a-half and Sixth, L and M).

Burkes Alley (Sixth and Seventh, G and H).

Pig Alley (Sixth and Seventh, H and I): Minor street from Sixth to Seventh, with elimination of houses on branch alley.

K Street Alley (Sixth and Seventh, I and K): Elimination.

Desmond Alley (Ninth and Tenth, E and F): Now 24 feet wide and open through. Needs widening.

NORTHEAST ALLEYS (10 TO 20 HOUSES).

Douglas Court (between Third and Fourth, A and B): Minor street from A to B.

SOUTHEAST (10 TO 20 HOUSES).

Rumsey Court (First and Second, C and D): Minor street from First to Second.

Mechanics Place (Third and Fourth, M and N): Minor street.
 Gessford Place (Eleventh and Twelfth, B and C): Minor street from B to C.
 London Court (Twelfth and Thirteenth, K and L): Minor street from Twelfth to Thirteenth.
 Harrison Avenue (Thirteenth and Fourteenth, C and D): Minor street from C to D.

SUGGESTED DISPOSITION OF ALLEYS.

To be depopulated..... 204
 To be converted into minor streets..... 60

Total..... 273

Of those alleys which it is proposed to depopulate, it seems probable that the ultimate disposition may be substantially as follows:

To be converted to business uses because of central location..... 27
 To be abandoned, save for such purposes as they were originally intended to serve, including 159 alleys containing under 10 dwellings each..... 173
 Recommended for conversion into playgrounds..... 4

FOR CONVERSION INTO MINOR STREETS.

Fenton Place, Logan Court, Hanover Alley, Baltimore Court, Brooks Court, Cooksey Place, Hollidge Court, Richardson Place, Covington Street, Temperance Avenue, Cedar Court, Hays Court, Lingers Court, O'Briens Court, Stevens Court (or business), Peach Alley, Phillips Court, Hughes Court, Cecil Court (Cissel), Nolans Court, B-and-half Street Alley, Dixons Court, Van Alley, Collinanes Alley, Huntoon Court, Clark Alley, Jackson Street Alley, Schotts Alley, Gordon Avenue, Third-and-a-half Street, Brewer's Court, Linden Court, Wyllies Court, Francis Place, Browns Court, Navy Place, Hope Avenue, Cooksey Alley, Rovers Court, Pierce Street Court, Blands Court, Union Court (V and W, Ninth and Tenth), Nine-and-a-half Street Alley, Valley Street, Liberty Street, Queens Alley, Johnsons Court, Reeds Court, Ricketts Court, Kings Court, Poplar Court, Browns Court, Limerick Court, O'Neil Court, Clarks Alley, Clarks Court, Broad Alley, Pleasant Alley, Allen Court, Locust Court, Burkes Alley, Pig Alley, Desmond Alley, Douglas Alley, Rumsey Court, Gessford Place, Loudon Court, Harrison Avenue.

FOR CONVERSION INTO PLAYGROUNDS.

Goat Alley, Snows Court, Burdens Court (as addition to school playground), Rock Court (as addition to school playground).

PROBABLY SUITABLE FOR BUSINESS PURPOSES.

Dingman Place, Balls Court, Jackson Hall Alley, Naylor's Alley, Essex Court, Freemans Place, Glick Alley, LeDroit Court, Blagdens Alley, Chester Court, Union Court, Sumner Alley, Alexander Court, Government Alley, Marks Court, McCullough Street, Jackson Alley, Half Street Court, Union Alley, Hahns Court, Prathers Alley, Madison Alley (M and N, Sixth and Seventh Streets), Shepherd Alley, Nailors Alley, Greens Court (L Street and Massachusetts Avenue), Vermont Court, Temple Court.

GRACE V. BICKNELL,
 ESTHER F. BROWN.

Mr. BORLAND. The alleys that are 30 feet wide and over are now classed as minor streets, so that they can be used. They are not included in this statement. This only includes those which are under 30 feet in width.

Of the 69 alleys that can be converted into minor streets the cost of the acquisition of the land purely for the purpose of widening to 30 feet and converting them into minor streets is estimated to be only \$1,454,000. Of all those that need to be converted in any form the total estimated cost of the land is only \$2,240,000. We have spent on one alley—Willow Tree Alley—as I recall, more than the total cost estimated for the elimination of all the alleys, and yet we have accomplished nothing with Willow Tree Alley except to turn the population out to seek the same kind of slum quarters on the street. In other words, a man who was paying \$6 or \$8 a month for an alley house is sent out on the street, and he finds that he can get for \$15 a month a tumble-down frame building that is vacant and has been vacant for years, because nobody wants it. He and one or two more families take it at \$15 a month. That is what has become of the occupants of Willow Tree Alley. We could take the cost of one circle or of one great monument in the city of Washington and redeem the whole alley situation for all time to come. And yet we have sat here in the last six years and voted 11 marble monuments to the beautification of Washington which has cost millions and millions of the people's money and have not spent one dollar toward the protection of the health and morals of the common, ordinary citizen of the District of Columbia. We have spent enough for the beautification of the parks of Washington, and the time has come when we should spend something upon the average wage earner, the laborer, who must make his home and raise his family here.

I want to call attention to another thing. The estimate that I have given is based upon the assumption that we regard the whole proposition as a dead loss—in other words, that we open minor streets, and after the elimination of the property we get nothing back. That will cost us in the neighborhood of two and a quarter million dollars. But the commissioners' bill, which is not the bill before the House, but which the bill before the House was a substitute for, provided for a system known as excess condemnation. That, I believe, is the only final answer to the question of expense. It provides that the commissioners can condemn the whole of the interior of the block, or so much as is necessary, and after the minor street has been estab-

lished the remaining land acquired can be replatted or subdivided; that land fronting on the new minor street can be sold or leased under proper restrictions for further residential use. That is what is known as the excess-condemnation idea.

In some States the State constitution provides that private property can be taken only for public uses. It has been the custom in my State, compelled by the constitutional provision, not to condemn a foot more than is actually needed for public purposes. If only 60 feet are needed for a street, only 60 feet are condemned; but a system has grown up abroad by which the abutting property on both sides of a proposed improvement can be condemned. That is in actual operation in Pennsylvania, as I understand, and I think has been sustained by the Pennsylvania courts. I think it was also in operation in France and other European countries. I believe that such a system can be put into force in the District of Columbia if it is constitutional anywhere in the United States, because we have no constitution except the Constitution of the United States.

Mr. REED. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. REED. Under the provisions of the bill under consideration it is not intended to pay for the land taken by the District of Columbia or the United States Government?

Mr. BORLAND. The pending bill makes no provision for payment to the owners. It seems to class the alley buildings as a nuisance, and provides that they shall not be allowed to continue to exist, and that no permit shall be issued for their reconstruction or repair.

Mr. REED. In the opinion of the gentleman from Missouri, is not that a rank injustice? There are cases here where comparatively poor people have invested their money in alley property, and if the enactment of this law compels its confiscation without compensation the poor people will suffer.

Mr. BORLAND. I do not think the injustice here is as great as the gentleman intimates. I do not think it is unjust to eliminate as a nuisance a piece of property that is, in fact, a nuisance. But I do not think that a sweeping declaration, by legislative enactment, that certain classes of property are a nuisance can destroy private property. If it is, in fact, a nuisance, it ought to be eliminated. But I do not think this bill will reach any inhabited houses that are not, in fact, nuisances.

Mr. REED. The accusation is sweeping in character; it condemns all alley property.

Mr. BORLAND. It says that; but to that extent it might not be enforced.

Mr. REED. Then the bill fails in its purpose.

Mr. BORLAND. To some extent. But I think it will reach nuisances which are, in fact, nuisances. I do not think you can condemn here, without compensation, property that is not a nuisance. But I think it can go further and say that that property shall not be repaired and that no reconstruction shall be made. That does not do injustice to anybody.

Mr. REED. I want to say that I am as much in favor of doing away with the alley nuisances as is the gentleman from Missouri. But I believe that it is a rank injustice to confiscate property without making a proper return in dollars and cents to those people who have invested in that property and paid for it and actually own it. I believe that that provision in this bill ought to be carried, but that the owners should be reimbursed for property condemned.

Mr. BORLAND. In my judgment the only alley houses to be eliminated are those that are actual nuisances.

Mr. REED. If there is a discrimination to be made, why is it not made in the text of the bill?

Mr. BORLAND. Well, I would like to have the bill more particular. I think that before we get very far along with the bill we will have to add the proper working machinery to it. I am for it, as I said in the beginning, as a declaration of policy, as a starting point. I am for it because it prevents the further creation of alley houses and reconstruction of alley houses. I think we have got a little way along on the proposition. If I thought it was absolutely reactionary I would oppose it and take the risk of being denounced as not being a friend of alley elimination. I think this is a step in advance and the commissioners think so. They think it is the only step in advance that can be taken. I am sorry that that is true.

Mr. KENNEDY of Connecticut. Will the gentleman yield?

Mr. BORLAND. Certainly.

Mr. KENNEDY of Connecticut. How does the gentleman arrive at the cost of elimination of these alleys?

Mr. BORLAND. These figures were made up by the assessor. They are made up in the way that we would arrive at the approximate cost of condemning any property.

Mr. KENNEDY of Connecticut. Without taking into consideration the payment for the houses?

Mr. BORLAND. Yes; this proposition takes into account the property, land and houses, such as you would destroy in the process of widening any street. I was surprised, as I say, how small the total amount was.

Mr. DECKER. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. DECKER. I do not quite understand what the gentleman's theory of the cost is. Does he mean that it costs that much to buy this land and tear down these buildings and do away with the houses in the alleys? Is that what the gentleman means by the cost?

Mr. BORLAND. No; the cost spoken of here is the cost of widening an alley that is perhaps only 18 feet wide to a street 30 feet wide, and if that destroys any houses they are paid for, as the gentleman well understands.

Mr. DECKER. Then when the gentleman talks about eliminating houses in the alleys, what does he mean by it?

Mr. BORLAND. I mean preventing the use of alleys as a place of residence.

Mr. DECKER. Then let us say that a man has a house in an alley for \$8 a month, we will say, and that that house is torn down. What becomes of him?

Mr. BORLAND. That is exactly the point that I was beginning to discuss. That is the weak point in this whole proposition.

Mr. DECKER. If the gentleman can fix some way to take care of that fellow, I would like to know it.

Mr. BORLAND. If we had the power, as the gentleman from New Hampshire [Mr. REED] suggested, to absolutely destroy for residential purposes every particle of alley property in the District of Columbia, what will become of those who are using it as a residence property? In the case of Willow Tree Alley, which I had the assessor look up for me and follow out, he found people had gone out on the street, and they had found a certain number of tumble-down houses, where the owners would not put them in condition. These houses had been better in other times, but had become vacant and undesirable. It is said that there are fifteen hundred vacant houses in the city of Washington to-day, mostly of that undesirable class. Two or more families would take one of those houses, which has only the sanitary arrangements and private entrance and convenience for one family. There would be one front door, one set of sanitary arrangements, one set of plumbing for three or four families. That is what has happened with the residents of Willow Tree Alley, and that is going to produce as bad a condition in the end, if not worse, than the present inhabited alleys. I say that the housing proposition is vital to the elimination of the inhabited alley. We must have a double team on this proposition. We shall have to drive our elimination and our housing together or we shall not haul our load.

Mr. COADY. Does the gentleman mean that the District of Columbia should go into the business of buying property and renting it?

Mr. BORLAND. I will tell the gentleman what I mean in about two minutes if he will wait.

Mr. COADY. The gentleman recalls that he appeared before our committee with a proposition of that kind, which I thought at the time was visionary.

Mr. BORLAND. I did, and I am not so sure that the gentleman now thinks it is visionary. I want to say this, as to what becomes of this family, before I come to the remedy. I want to say that I made a little investigation myself as to what becomes of these people. If any of you are interested in the matter, you can go over here on Rhode Island Avenue, between Sixth and Seventh Streets, and you can find an apartment house there built for colored people who came out of these alleys. That house is constructed on a piece of land 18 feet wide, fronting on Rhode Island Avenue, and extending back in a straight line 250 feet. The building is 250 feet long and 18 feet across the front. The front is fairly ornamental. The front apartment is rented by a colored doctor, an intelligent looking man. There is an elbow in the hall, and the hallway proceeds back to the far end of the building. It is perfectly dark—as dark as Egypt. The hallway opens on single rooms. These single rooms occupy the space that could be used after you have taken the hallway off an 18-foot building. I can stand in that hallway and put my hands this way [indicating] on both walls. There is no light in that hallway unless some one has one of the doors open. Two-thirds of the room doors are open practically all of the time. Those rooms are rented separately to families at \$8 a month. They have running water in the building. There is a joint sanitary arrangement at the end of the hall and a water pipe and faucet in each room. The rooms are renting for \$8 a month just now. They are clean, kalsomined, fresh, and

wholesome, and seem to have attracted the best tenants of that kind.

Mr. REED. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. REED. Is that \$8 for one room?

Mr. BORLAND. Eight dollars for one room, and there are 40 rooms in that 250-foot building; and the tenants all use the same common entrance, and they all use the two sanitary arrangements. Now, the gentleman can guess what will be the condition of that building five years from now. I say to the gentleman that if he goes through that building on a hot night or a hot day, he will find all of those hallway doors open, and no more privacy in that building than there is in a Turkish bath.

Mr. CARY. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. CARY. How old is this building to which you refer?

Mr. BORLAND. It is brand new, and it is very attractive in its present condition. It is the best example I ever saw of attractiveness for its present condition.

Mr. CARY. And still the gentleman claims that it is insanitary?

Mr. BORLAND. I claim that it can not continue in its present sanitary condition for five years.

Mr. CARY. The health department, I believe, has the power to take charge of such cases.

Mr. BORLAND. Of course; and nobody else could condemn that building as insanitary. If you were to undertake to destroy the residential purpose of that property by condemning it as a nuisance, you would fail in the courts, because it is not a nuisance at the present time, but it is a menace at the present time.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. COOPER. Why has not the District Committee brought in a bill to prohibit the construction of buildings of that kind and the leasing of them to tenants?

Mr. BORLAND. The District Committee would never have guessed the extreme adroitness and skill with which this property owner has used his property. Nobody who had not seen it could have guessed it.

Mr. COOPER. The tenement problem in New York, Chicago, and other large cities has been a pressing problem for many years, and the putting up of such buildings as this new one on Rhode Island Avenue has been prohibited generally throughout the country. I am astonished to hear that, notwithstanding all this country-wide agitation, such a building has just been erected in the city of Washington, and permitted to be used for tenement purposes, resulting, according to the statement of the gentleman from Missouri, in conditions that are a disgrace—human beings herded in one room with no opportunity for ventilation or light, or for the ordinary decencies. Some one is to blame for granting a permit for the construction of that sort of a building in Washington. I am astonished that the District Committee has not before now brought in a bill to prohibit the erection of such a tenement in the Capital City of this Republic.

Mr. JOHNSON of Kentucky. Will the gentleman yield to me right there?

Mr. REED. Mr. Chairman—

The CHAIRMAN. To whom does the gentleman yield?

Mr. BORLAND. I yield to the chairman of the District Committee.

Mr. JOHNSON of Kentucky. I desire to say to the gentleman from Wisconsin he seems not to be acquainted with the law passed in 1892 which forbids the erection, and also forbids the improvement, of a dwelling in an alley which has deteriorated to the extent of 50 per cent. I suppose that covers the situation to which the gentleman from Wisconsin refers.

Mr. BRYAN. That prohibits the erection of any new building in an alley and repairs of any old building—

Mr. JOHNSON of Kentucky. Any old building which has deteriorated to the extent of 50 per cent.

Mr. BRYAN. That ought to do away with the argument of the gentleman from Wisconsin to a great extent.

Mr. BORLAND. Yes. I want to say this building I am describing is not an alley building, because it fronts on Rhode Island Avenue.

Mr. COOPER. And a portion of Rhode Island Avenue is one of the most popular residential streets.

Mr. BORLAND. I want to say, further, to the gentleman from Wisconsin that I have never seen a question that had a moral side to it that did not stir him to the depths. He is always on that side of every question. He is on the moral side of this question, as he always is, and he is in favor of the elimination of alleys. I want to say I served six years ago on the District Committee, but at that time it was impossible for

us to get any general legislation through. We have two branches of this legislative body. The only legislation that ever got through at that time were bills to open some streets and improve somebody's real estate addition that was going to be put on the market in the city of Washington. All we could do on this District Committee, on the minority side, was occasionally to stop a very bad proposition, but there was no possibility of affirmative legislation. Now, for the last two years we have had a District Committee which has actually presented general legislation. For the first time in a good many years that has been the case, and if the District Committee has not yet solved all the problems, it is not to be wondered at. It is the first opportunity this House has had to really take part in the government of the District of Columbia. That committee is ready to do its part and to govern the District of Columbia. It is necessary that we shall do so, and it is our duty to do so. We are here to maintain the National Capital and to see that homes are made sanitary for the humblest worker who happens to live here—not only to make it beautiful for the rich but sanitary and clean for any man who has to bring his family here. [Applause.] That is our first duty to the National Capital.

Mr. COADY. Will the gentleman yield?

Mr. BORLAND. I will.

Mr. COADY. I would like to ask whether or not the gentleman has brought the instance involving Rhode Island Avenue to the attention of the District authorities, and whether or not there are not sufficient laws on the statute books to cover such a situation as that, if it is as bad as that described by the gentleman?

Mr. BORLAND. That building was pointed out to me by the assessor of the District. He said, "It will surprise you, Mr. BORLAND, to find out how much has been made out of a very little property." I asked him whether the building complied with the laws and the building code at the time, and he assured me it did, and that the commissioners had no opportunity to reject this man's plan. We passed a building code in regard to business buildings, restricting the height, and with regulations with reference to fire protection, and we had an awful hard fight with it. At one time the gentleman from Kentucky [Mr. JOHNSON] and myself stayed up all night and took turns going to sleep a little, relieving each other on duty to prevent the passage of a bill to repeal the fire-escape law of the District of Columbia. That fight lasted three days and nights at the close of the Sixty-first Congress. We took turns at getting something to eat and a chance to sleep. But we prevented the repeal of the laws regulating business buildings and apartment houses, and have made them safe in the District of Columbia to-day. Now we want to reach the home of the humble wage earner, the man of small means, and we believe the present District Committee is prepared to bring in such a bill whenever the proper bill can be prepared. I think we all will favor such a bill, and I hope it will be put through the House.

Mr. COOPER. How many stories high is that building on Rhode Island Avenue?

Mr. BORLAND. Two.

Mr. COADY. Does the gentleman mean seriously to say there is no way of preventing the conditions that exist in that building at the present time as pictured by him?

Mr. BORLAND. I say that very thing. I am so informed.

Mr. COADY. It seems to be shockingly immoral, as pictured by the gentleman. It surely violates some laws.

Mr. BORLAND. I say the same thing. I refer the gentleman to the authorities of the District, and he can go and inspect the condition for himself.

Mr. COADY. This bill would not prevent it?

Mr. BORLAND. Certainly not; but I am advocating something that would prevent it.

Mr. DECKER. Mr. Chairman, will my colleague yield?

Mr. BORLAND. Yes.

Mr. DECKER. Are there not a lot of these big apartments in town where, if you want to get any ventilation, you have got to leave your door open into the hall?

Mr. BORLAND. I suppose that is true.

Mr. DECKER. In other words, how far could the law go—how far could we go in passing a bill that would require them to have at least two windows in each room? Could we go that far?

Mr. BORLAND. Yes.

Mr. DECKER. That would put a lot of these big apartment houses out of business.

Mr. BORLAND. My colleague from Missouri comes from one of the busiest and most rapidly growing towns in the United States, the town of Joplin, that raises a crop 52 times a year—a crop of zinc every week. It is one of the most progressive

towns in the country. It is rapidly growing into a great city, and it will soon face these great city problems.

I say such a city can have a housing code, providing exactly the amount of air and light space that shall be given. There is no reason why it can not be done.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. COOPER. That is already the law in many of the States as to fresh air in school buildings, is it not?

Mr. BORLAND. There is no question about it; but that does not solve the problem we have before us now.

Mr. IGOE. Have not the Commissioners of the District of Columbia the right now to make such rules and regulations as those that the gentleman refers to?

Mr. BORLAND. I think not.

Mr. IGOE. We in the Congress have not enacted laws as to the construction of buildings with reference to provision for light and air?

Mr. BORLAND. I think we have that right, but we have not enacted that legislation. We ought to have a housing code for the District that would apply to all buildings used for dwelling purposes.

Mr. BUCHANAN of Illinois. I think the gentleman is mistaken. I think the commissioners now have the right to promulgate regulations as to the construction of buildings. They have the power.

Mr. BORLAND. Oh, that refers to sanitary arrangements and making the buildings fireproof. That does not refer to the light and air space.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BORLAND. Mr. Chairman, will the gentleman from Illinois [Mr. MANN] yield me 10 minutes?

Mr. MANN. Yes.

The CHAIRMAN. The gentleman from Missouri is recognized for 10 minutes more.

Mr. BORLAND. I think the easiest way to eliminate these alley houses would be to follow that plan that was laid down in the original commissioners' bill, for which this present bill has been substituted. If we run a 30-foot street through the territory occupied by these alleys and simply turn these alleys into streets we do not solve the problem. We simply drive the alley inhabitants somewhere else to find homes, and we do not provide for the proper use of the property along the minor streets. I have seen minor streets in the District that have been created under the present minor-street law. If a minor street is run through those localities, it will leave a lot of stub ends of property there that are of no use to anybody. What ought to be done is to rebuild that interior of the block. If it is to be turned into a minor street, then the abutting property should be replatted and redivided, the property that has not been used for the street but which has been acquired under the excess condemnation should be either sold or leased, under proper restrictions, for such purposes as it may be suitable for. If it is suitable for business purposes, let it be so used. If it should be confined to alley purposes, that can be done. But it should be leased or sold for the erection only of such buildings as are proper for the places.

If we examine a tumble-down house that poor people can rent at the price they can afford to pay, we find that it is usually a house that at one time was more pretentious, and was intended to house a family of four or five people in comfortable circumstances. But the neighborhood, perhaps, has deteriorated or the property itself has deteriorated and it is not in demand, and it is then rented out room by room to families, or two or three rooms to a family. That is not the class of property that the alley residents ought to go into, and that fact constitutes the menace of the elimination of these alleys without the accompaniment of some sort of a housing bill. If we should take the land in the interior of the block and allow buildings to be erected on it, the owners could be compelled to put up sanitary modern tenements, two or three room tenements each, with separate entrances, and each with separate plumbing and sanitary arrangements, which will be decent even for a poor man. A poor man has as much right to a separate entrance to his home and separate sanitary arrangements as any other man, because that is the demand of decency. If a man has only two rooms, those arrangements ought to accompany the two-room suite; and if he has a three-room suite, those arrangements ought to accompany that three-room suite. But at present that does not occur in the ordinary slum property. It should not be permitted to adapt property that was originally built for a fine class of tenants to a humbler class, but property should be built for the humble class in the first instance, and thus we must solve this housing problem. Sooner or later we will be

met with that problem or we will not eliminate the alley slums at all.

I am going to put in my remarks an article on housing for the working classes as practiced abroad. This article shows that nearly every country in the world has laws for the housing of the working classes except the United States. It is by Richard B. Watrous, secretary of the American Civic Association. The Central Labor Union of this District, representing organized labor, indorsed the proposition that I made to them more than a year ago, looking to the creation of sanitary dwellings for moderate-class tenants, and they are on record with a resolution indorsing it. I think every labor union in this country has given more intelligent thought to this subject than those who are not among the class of organized labor.

One would be surprised to see how much actual progress has been made by the thinkers and speakers of organized labor toward solving these great social problems. This Congress can well listen to that voice. It can well listen to the voice of the philanthropists, of the Christian people, and of the sanitary experts. When we pass a housing bill and a building code for the District of Columbia, as I think we shall, we ought to make it the most advanced statute on the subject to be found in the country. We ought to make the Capital of the Nation clean and pure and sweet and wholesome for the most humble wage earner in the country to live in and to bring up his family. The very reverse is the condition to-day. Every city in the country is grasping this problem and trying to solve it with its own taxing resources. Here in the District, which has the strong arm of Uncle Sam always to help it, we can hardly get the most ordinary and conservative bills through to eliminate these great evils. It is a crying shame. There is ample power in the District of Columbia to eliminate every plague spot in the District. There is ample taxing power here. While this Congress claims to govern the District of Columbia, yet it does not use that taxing power for the benefit of the humble. It uses it frequently for the benefit of the pretentious, but never for the benefit of the humble. I think this bill is a step in the right direction. I hope it will go through. I wish we could amend and strengthen it. I wish we could put in the whole commissioners' bill. If I thought that was a practical proposition at this stage of the session I would make a fight for the original commissioners' bill. But after canvassing the matter with the friends of reform who live here in the District and who have done so much for the advancement of this project, I think we had better pass this bill, and then I think the District Committee had better bring in a housing bill and a building code bill that will forever solve the problem in the District of Columbia.

Mr. COADY. Will the gentleman yield?

Mr. BORLAND. I have concluded my remarks, but I will yield to the gentleman.

Mr. COADY. I understand the gentleman is in favor of the bill suggested by the District Commissioners.

Mr. BORLAND. Yes; I am in favor of the original District Commissioners' bill, and if it were offered here on the floor as a substitute I would vote for it; but after consultation with all the members of the committee, as I say, I think the practical thing to do is to vote for the substitute. I would vote for the original bill, not with the idea that we could pass it at this time, but simply because I think it is right; and then I would vote for the substitute, and I would put that through because I think it is a good thing to do, and I think this Congress is going a long way toward redeeming its pledge to the humble and toward helping the ordinary wage earner in the District when it passes this alley-elimination bill. [Applause.]

[From the Journal of the American Institute of Architects.]

PERSONAL OBSERVATIONS OF SOME DEVELOPMENTS IN HOUSING IN EUROPE.

(By Richard B. Watrous, secretary American Civic Association, Washington, D. C.)

"Sir William Lever, the distinguished English manufacturer, who has given to the world a lasting monument in housing by the creation of Port Sunlight on the outskirts of Liverpool, said of town planning in a very recent letter:

"Town planning is not merely a question of levels and gradients, straight or crooked streets, and wide or narrow thoroughfares; it is also, and to a still greater degree, a question bearing directly on the very basis of the public health and well-being. It would be impossible to build up an imperial, virile race in an ill-planned, congested town, or section of a town. Humanity demands air and light even more than do plants and flowers. Humanity demands, also, social intercourse for proper development of brain and character; therefore, facilities for transit in towns and cities, so that people can freely meet together and join in social gatherings with the greatest ease and comfort, are essential. All these can only be secured in a well-planned city.

"English town planning has been more specifically a development in improved housing than in almost any other country.

None of the large cities of Great Britain give evidence of definite planning, either ancient or modern, with reference to esthetic and practical results, as do the cities of Germany, both ancient and modern, and the newer cities of the United States. London, except for a few partially executed plans of Sir Christopher Wren, is a city that proclaims, almost, a lack of planning. But while there has been a lack of the kind of planning that is usually more easily perceived and appreciated in America, English people have, during the past two decades, done wonderful things in housing, both in the large cities and in the outskirts, where its modern town planning was originated and where it has been carried out with the object of solving difficult housing problems that had existed in the great and congested urban centers.

"Of the garden cities an entire chapter might be written of those that have been developed during recent years in Great Britain alone. To leave them out of consideration in a discussion of European housing would be to omit a most important factor, for to the garden cities are being transported hundreds and thousands of families from the great and thickly populated cities of London, Liverpool, Birmingham, and even smaller industrial centers.

"The garden cities of England are naturally grouped under three principal classes: First, The original garden city, of which Letchworth is the notable example, and which is in truth a newly born city in every sense of the word, though still of not large population. It is located some 34 miles from London. The original tract set aside for Letchworth in 1902 comprised 6 square miles of fine undulating farm lands partially wooded. Only the section necessary for the building of a small city was originally planned and designed for that purpose, the remaining area, nearly two-thirds of the total, being held in reserve for a rural agricultural development. The scheme of Letchworth has been not only to attract to a new residential section families from the great cities, but to attract also the necessary manufacturing and industrial plants in order to give the heads of those families employment almost at their doors; and the Letchworth plan has up to the present time succeeded in bringing together a population of some 8,000 people, all of whom are dependent upon the operation of the industrial plants that have been located there.

"Second, The garden suburb of which Hampstead, in the outskirts of London, is a distinct type, and which, like Letchworth, has been a pronounced success, having been developed from an original area of 240 acres to a present total of 662 acres, but differing from Letchworth in that it is a purely residential garden city, and planned so that with superior transportation facilities its dwellers go from their homes to the shops in London and return conveniently and at very reasonable prices to their rural residences. The leading spirit in the development of Hampstead has been the Hon. Henry Vivian, who as a member of Parliament was able to do a very large service for all of Great Britain in helping to secure the passage of what is now known as the town-planning act, which made possible an extension and official recognition of the cooperative plan by which the garden cities of England have sprung into fine realities. By the cooperative plan the householder is a continuous lessee of the house he occupies, though he is asked, and in some cases required, to own stock in the holding company of the garden city of which he is a member. Eventually he may own as much stock as would be represented by the purchase of his house. He does not, however, at any time become possessed of a deed to his property.

"Hampstead is like Letchworth in another respect, in that it was laid out with very great care by one of Great Britain's distinguished landscape architects, Raymond Unwin. There have been combined in a delightful manner the art of the landscape artist and of the architect, for the homes are of substantial construction and, at the same time, of interesting design. In conversation with Mr. Vivian as to the permanency of the construction, he stated that the houses are built with a view to an occupation of at least 60 years, and the financing of the co-partnership company—the Copartnership Tenants (Ltd.)—is on that basis, namely, contemplating the creation of a reserve fund which, at the end of that time, may be used for rebuilding if necessary.

"Third, The industrial garden city, contiguous to a manufacturing center, but also immediately adjacent to the plants giving employment to the operatives, eliminating the factor of transportation to and from work, and best illustrated by Port Sunlight on the outskirts of Liverpool. That these industrial garden cities are filling a long-felt want is best demonstrated by a recent report to the Liverpool education committee, containing a comparison between the physique of children attending city

schools and schools in Port Sunlight. I quote from an address by Mr. Vivian.

"Dr. Arkle's report to the Liverpool education committee contained a comparison between the physique of children attending different classes of schools in the city and the schools at the industrial village of Port Sunlight. Selecting from the figures he presented, those relating to the children attending Class B schools in Liverpool, this being the class most nearly comparable with Port Sunlight, the position is as follows:

	Boys aged 7.		Boys aged 11.		Boys aged 14.	
	Height.	Weight.	Height.	Weight.	Height.	Weight.
	Inches.	Pounds.	Inches.	Pounds.	Inches.	Pounds.
Liverpool schools (B).....	44.3	43.0	51.8	59.0	56.2	75.8
Port Sunlight schools.....	47.0	50.5	57.0	79.5	62.2	108.0
Difference.....	2.7	7.5	5.2	20.5	6.0	33.8

"It is also found that the infantile death rate at the Bournville industrial village is 80.2 per 1,000 as compared with 100.2 for the rural district of Bournville and 131.4 in Birmingham itself.

"Departing from the garden city, which, it must be understood, is not distinctly a housing development, but a combination of town planning and housing, one finds in London many excellent developments of housing as such. For years the British Parliament has given much attention to the question of housing for the working classes in London. Prior to 1851, although the overcrowded, filthy, and unsanitary conditions of many districts in the county of London were known to philanthropic societies and workers and to Parliament itself, no effective steps were taken to improve conditions by legislation until that time, when the late Earl of Shaftesbury called attention to the disgraceful state of affairs then existing not only in London but in the great majority of large towns throughout the Kingdom. Owing to his endeavors, two acts were passed, commonly known as the common lodging-houses act of 1851 and the laboring classes lodging act of 1851. They were but initial steps in the legislation necessary to make possible the removal of many of the ugliest spots in London, and were followed by such later acts as the nuisances removal and sanitary acts of 1855, the Torrens Act of 1856, and many others, including the general housing and town-planning act of 1909. An act of 1903 provided for the acquirement of land by counties, either compulsorily or by agreement, and made possible the erection, by county and city funds, of houses to be rented direct by the local government. Other acts provided for the demolition of old houses and the provision in suitable dwellings of accommodations for the persons of the working classes so displaced. Under the act of 1890, relating to London, the council may (a) lease land for the erection thereon of workmen's dwellings; (b) itself undertake the erection of dwellings or the improvement or reconstruction of existing dwellings; (c) fit up, furnish, and maintain lodging houses for the working classes; (d) make any necessary by-laws and regulations for the management and use of the lodging houses; (e) sell dwellings or lodging houses established for seven years or upward under part 3 of the act whenever such dwellings or lodging houses are deemed by the council and the local government to be unnecessary or too expensive to keep up.

"The council is also empowered to promote the formation or extension of societies on a cooperative basis, which have for their object the erection or improvement of dwellings for the working classes, and may also assist any such society by grants or by guaranteeing advances made to the society.

"A personal observation of only one of several housing operations conducted by the London County Council under these enabling acts was convincing proof that a definite advance has been made, and that, so far as it goes, London is setting a fine example for the housing of certain classes of its operatives; operatives, it should be said, however, who are really of the skilled class, all of them earning fair wages, and able to assume the rental of small residential properties. It still remains a matter for very serious consideration as to how hundreds of thousands of families lower down in the field of labor shall be provided for. Such great foundations as the Peabody Foundation have done wonders in very thickly congested parts of London. The recent developments of the London County Council have been toward the outskirts of London. One such that came under my personal observation is known as the White Hart Lane estate, at Tottenham. The property is about 6½ miles from Charing Cross Station, in London, and consists of two sections a quarter of a mile apart, one containing 49 acres and the other 177 acres, bought at a total cost of £90,000, or about \$450,000. Only one of the districts has been developed. The estate is situated where a working-class population already largely predominates. The council concluded that it would be

impolitic to cover the whole of such an extensive area with cheap rented dwellings, and that it would be to the general advantage of the neighborhood if a substantial proportion of better-class property could be erected, although the council has no power under the housing acts to provide dwellings other than for the working classes. Careful attention has been given to the laying out of streets, without, however, such artistic application to those details as in the garden cities. The cottages, two stories in height, are of brick and stone construction, and intended to endure for at least 60 years. All the necessary equipment of sewers, water and gas mains, and street lighting have been provided, and a majority of the cottages are fitted with baths. At the White Hart Lane estate there are administrative buildings and a small meeting hall for tenants. The only philanthropic feature of this estate is an area of 3.1 acres, acquired as a gift, for a play and recreation center for adults and children. As shown by the accompanying pictures, the houses are really attractive types of residential buildings. One does not get an impression of crowding, although each house is small, ranging from the 3-room cottages with scullery, which rent at from \$1.50 to \$2 a week, to 4 and 5 room cottages, renting at from \$2 to \$2.50 and \$3.50 a week. Up to July, 1913, 835 cottages, with an accommodation for 6,835, had been built, and many others were in course of construction. Many quite new and modern conveniences are introduced into these houses. One that was interesting in connection with the use of gas for fuel purposes was the introduction of what is known as the penny meter, by which provision is made for the flow of a certain amount of gas upon depositing in a slot an English penny, which provides for the payment for the gas as it is used, and which evidently, by its general use, is appreciated as a convenience.

"As illustrating the character of tenants, it was interesting to note that in most of these houses there were, stored in closets or ready for immediate and frequent use, the bicycle, which is still such an important adjunct of English life in making possible tours to the country. In one cottage of only four rooms, with a family of probably father, mother, and two children, there were three such bicycles. These facts are mentioned to show that this housing is of a type that is accommodating the skilled operative rather than those of whom one usually thinks in connection with housing designed particularly to meet the needs of greatly congested districts. The White Hart Lane estate is but one of a number, including the Totterdown-Fields estate, which already accommodates 9,000 people, and the Norbury estate, accommodating 3,400.

"While the London county officials admit that the development in this direction may not be having a very material effect in eliminating the particularly ugly and crowded districts of London, they are, nevertheless, opening the way for their ultimate elimination, because each new development of this better character opens the way for the vacation of an equal number of houses lower down the scale, the process being continued until the worst are finally permanently vacated.

"The housing conducted by the London county council is cited in connection with housing in England as one example of the custom that is growing in many parts of Europe, of the actual ownership, control, and management of housings by municipalities. In London the county council is the landlord, and the tenant pays his rent to the county officers.

"A similar and probably larger development of the idea has grown up in other European countries, notably in Germany, where, in a large number of cities, the municipalities have, during the past 20 years, been permitted to spend millions of dollars in the acquisition of lands and in the erection of structures for the housing of the operative classes. Berlin is hardly to be included in that class of cities, at least so far as my observation extended. Consulting one German official deeply interested in housing, as to where there might be found some examples of 'model housing' in Berlin, he frankly said there were none, at least none that he would recommend as worthy of comparison with that being carried on in other German cities. The Berlin populace lives for the most part in large apartment houses of from three to four stories in height, according to the section of the city in which the structures are erected; for Germany maintains strict rules as to the height of buildings and the area each building may cover, varying from the down-town districts, where it is permissible to build on 75 per cent of the area and to a height of four stories, to the more remote districts where only 50 per cent may be covered and to a height of three stories. Many new areas on the outskirts of Berlin proper are growing up, and all of the apartment type.

"It is in such smaller cities as Frankfurt, Munich, Dresden, Hamburg, Cologne, and Dusseldorf that the greatest advances have been made. Frankfurt stands out prominently as one of

the cities that by legislation has made possible the acquisition of large areas for such development. Up to the present time buildings have been erected through the agency of building vereins and other organizations, which are helped financially by the municipality and act as landlords for the property in the place of the city. It is said to be only a question of a short time, however, when Frankfort will engage directly in the ownership and renting of its housing. The structures in these other cities, like those in most other German cities, are of the apartment type, with such variations, however, as permit the reserving of inner courts and small garden plots. Munich furnishes many delightful examples of such development, the buildings being four stories in height, of brick-and-concrete construction, interesting in their design, of fireproof and very substantial construction, including marble door and window sills, hardwood floors, and concrete stairs. The apartments are of the three and four room class and rent at prices about the same as those in London. There are in the basements of many of these apartments arrangements for community laundry rooms and baths. In the rear of these apartments provision is made for small garden plots, not sufficient in number to be distributed to all the tenants, but enough to make possible gardening at one's own door by those sufficiently interested to carry on gardening and to pay a small additional fee for the privilege.

"Dusseldorf is another of those cities which, in respect to its housing, as in respect to all of its municipal activities, stands probably foremost among German cities for modern advanced methods; and Dusseldorf has become in very recent years the owner of hundreds of fine apartment houses erected and designed to accommodate operatives drawing meager wages. Every provision has been made for substantial buildings, with all the necessary features of good ventilation, good light, and safety that contribute to the health and happiness of its tenants. Dusseldorf is also developing on a somewhat smaller scale the erection in certain of its residential zones of small houses in rows, similar to such development as is found in so many American cities. So far as I was able to observe, Dusseldorf afforded almost the only example of this kind in Germany that was not of a distinctly garden city class.

"Germany has, however, caught, to a degree, the garden-city spirit. On the outskirts of Dresden there is the small garden city of Hellerau, which is tastefully laid out in delightful surroundings, and distinguished for the erection of pretty little detached, semidetached, and rows of houses designed to accommodate single families or many families, as the case may be. The Hellerau garden city is a particular type of artistic development, although it was apparent that the Germans have not yet taken to living in the suburbs to the extent that is characteristic of Great Britain. The dividing lines between the city limits and the open farming country are, in most cases, sharply drawn.

"One of the most perfect of the German garden-city developments is that known as Margarethenhohe on the outskirts of the great manufacturing city of Essen, the Pittsburgh of Germany, so called because of the great iron and steel plants located there, notably those of the Krupp Iron Works, and, as a consequence, distinguished for the prevalence of a smoky atmosphere. The manufacturers of Essen have been alert in their efforts to provide suitable places of residence for their operatives out in the outskirts, removed from the dirt and grime of the city. The latest and finest development is Margarethenhohe, given and developed by one of the Krupps in honor of his daughter. The town section consists of 50 hectares of land for the houses—enough to accommodate 16,000 people—and in addition there are 50 hectares of land given to be reserved for planting forests to entirely surround the town. A generous appropriation of \$250,000 was given for the erection of the buildings, the designs for which, as well as for the town itself, were intrusted to the well-known architect, Prof. Georg Metzendorf. The houses are all of brick or stone, unusually attractive in their design and colors.

"Other German cities have made small beginnings of the same kind, but sufficiently successful to indicate that the movement is gaining fair headway, and will, in the course of a few years, produce many thrifty garden cities, and that there will be an exodus from even the great apartments of Berlin to its suburban sections in the course of time.

"What is true of England and Germany will be true of other countries. It is quite safe to say that the next few years will undoubtedly record a great advance in improved housing in all European countries. There was organized last fall in London the International Garden-City and Town-Planning Association, with representatives from most of the European countries, as well as a representative of the American Civic Association of the United States. This association holds annual meetings and

aims primarily to extend the garden-city idea, but to encourage and promote all efforts toward the right kind of housing. European countries are giving unusual attention to studying housing in all parts of the world, and many of the cities are sending out investigators to other countries, including the United States, for personal observation and report on the most acceptable types of housing adequate to meet the needs of the operative classes in cities of compact population."

[From the New York Evening Post, August 27, 1914.]

MASSACHUSETTS HOMESTEADS.

"Governmental study of the housing problem in America has by no means kept pace with the urban congestion of the population, so that many States are inertly facing a situation which authorities abroad have long since made extensive efforts to meet. One phase of building development—city planning—is, indeed, beginning to take strides. Thirty-eight cities, in size from New York and Chicago to Dover, N. J., and San Diego, Cal., have prepared city plans; about 50 cities have planning commissions still at work, and 3 States—New Jersey, Massachusetts, and New York—have authorized and encouraged local planning boards. But these plans look to general and salient features—highways, civic centers, recreational spaces, public services—and do not attack specifically the great question of better housing. Toward city planning of the English sort, looking primarily to the homes, Massachusetts has led the way. Her 24 city and 21 town planning boards have in many cases closely examined the housing conditions of working classes, with a view to local improvement; and now the State Homestead Commission, a unique body, has made its first report recommending a state-wide policy and definite legislation. So applicable is it to other sections, that Congress has voted its publication as a Government document.

"The principal recommendations are three. The first, inferential but clear, is that the State must give direct or indirect aid to workingmen's homes, such as nearly every civilized country except America has extended; the second looks to the stimulation of cooperative housing companies, and particularly of communal organizations like the English garden cities; and the third, to public education on the advantages of suburban life, even at the cost of providing small houses and plots for temporary instruction. These conclusions may appear startling to those who would depend on private initiative and the laws of supply and demand; but they derive their sincerity from conditions that can not be palliated. 'Large numbers of families,' says the commission, 'are rearing children in the thickly settled parts of cities, to the detriment of the children and the injury of the Commonwealth. Many would be glad to escape * * * and give their children the benefits of air, light, and room to play. Such a movement would be of vast value to the State, promoting the general health, improving the quality of the citizenship, reducing unemployment, congestion, and criminality.' It is impossible while the State trusts to individual initiative. The Lawrence strike and the Salem fire directed attention to the tenements of two cities, no worse than others. Figures on the rise of population in cities of over 50,000, from 13.8 per cent of the whole in 1850 to 50.7 per cent in 1910, could be duplicated in many States. But other investigations are on novel lines. Thus it is shown that the number of cows in the same period had decreased from 294 per 2,000 population to 94.

"The gist of the report being that Massachusetts must go in for participation in building, general interest will center on its attitude to the most advanced step—direct aid. No legislation is now proposed, there being constitutional obstacles; but the commission wisely leans to limited schemes involving only temporary investments. Australia's 1899 plan for interest-bearing loans to small applicants on the model of the French Crédit Foncier, under which more than \$8,000,000 has been issued for maximum terms of 31 years, is praised. In France the Government is empowered to advance money through real estate credit companies to private persons at 2 per cent to the amount of \$20,000,000; in Holland similar advances are made through the municipalities and through the building societies for workmen's buildings, these intermediaries guaranteeing repayment. Austria, with notable success, has guaranteed the second mortgage on workmen's houses, making possible a low-interest first mortgage. German activity has been chiefly confined to the cities, which have bought land and loaned money; but the Imperial Government has devoted \$105,000,000 to aid through these agencies. It is the English scheme, however, which the commission evidently thinks Massachusetts may best study. By it aid has been through the public works loan commissioners to local authorities at low interest, on the security of the rates, and with provision for repayment in 40 years. Over \$70,000,000

has thus been expended for better housing, while the spending of huge sums on their own initiative by local units has been stimulated.

"Of immediate recommendations, that for practical instruction in suburban living seems visionary, and a law embodying it has been defeated. A like reserve is proper toward the tax exemption of improvements. The importance of assistance to building associations, however, can be minimized neither in Massachusetts nor elsewhere. Outlines for collective organizations on a large scale have been prepared, and legislation to facilitate their financing could easily be devised. The familiar mutual loan association is a sound agency, but the commission says more for such copartnerships as have built Letchworth and Hampstead, in England. Property there remains in collective ownership; the raising of money is easier; and the communal spirit does much for social improvement. A recent article in the Atlantic has urged the conversion of the old associations into such bodies. Between housing companies of some nature and State action the Massachusetts report indicates that the future must largely lie. It is scarcely possible to disagree with its conclusion that 'in no country has the problem of sufficient healthful homes been solved by private capital alone.'"

Mr. JOHNSON of Kentucky. Will the gentleman from Illinois [Mr. MANN] yield some of his time?

Mr. MANN. The gentleman from Wisconsin [Mr. CARY] controls the time on this side.

Mr. CARY. Mr. Chairman, I yield 15 minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Chairman, I agree with the statement made by the gentleman from Missouri [Mr. BORLAND] that this substitute is not all that the friends of this legislation would like to have enacted. But at this stage of the session of the Congress it is doubtful whether we could secure favorable action on the more comprehensive bill. I believe, therefore, that the bill ought to be passed. It is a decided step in the right direction.

The great capitals of the world have recognized the importance of cleaning up their alleys. A few years ago I visited the city of London, and was taken to sections of the city that 10 or 15 years before that were not safe to be visited without a police guard. The slums housed the worst criminals and undesirable characters in the municipality. They were the hotbeds of vice and crime. That great city has spent large sums of money in eradicating those evils. They have met with a great measure of success in their efforts. The city of Berlin, the capital of Germany, has no slums whatever. There are no slums in that great capital. New York, the great metropolis of this country, has also spent large sums in the amelioration of slum conditions in that city. Yet here in the city of Washington, the Capital of this splendid Republic, there are alleyways and slums which would be a disgrace to a fifteenth-rate city in this country.

About a year or a year and a half ago there was a decided movement organized in this city to better the housing conditions of the poor. It was a fortunate thing that the late Mrs. Wilson, who from her first entry into the city of Washington took a deep interest in the social welfare of the poorer classes, joined with the good men and women of Washington who for some years had been striving to better these conditions. It was my good fortune to visit with her and with Mrs. Hopkins, Mrs. Bicknell, and some of the other ladies some of these alleys. As was stated by the gentleman from Missouri [Mr. BORLAND], some of these alley houses were occupied by two or three families, when they did not have proper accommodations for one family. In many of the houses there were no water pipes. There was little or no sanitary sewerage. Great masses of dirt and rubbish had been allowed to accumulate in the areaways and in the yards. It became evident to the most casual observer that these unclean and insanitary conditions were sources of disease, if nothing worse.

The keen interest taken by Mrs. Wilson in that work challenged the attention of all of the Members of this House who visited these alley properties with her. The kindly interest she took in the inhabitants, the words of cheer offered by her to them, the interesting questions she asked them regarding their method of earning their livelihood, and the manifest interest she displayed in all the little details which go to make up their lives, evinced gentleness and kindness of heart for the unfortunate poor that might well be emulated by many of the well to do here in the city of Washington.

A bill was prepared by a committee of citizens, embodying the views of the men and women who had this subject close at heart. It will probably not be possible to take up that bill in detail during this session of Congress, and so this substitute is

now offered. Some doubt has been expressed on the floor as to the effect of the legislation. The first part of the bill is only a restatement of the existing law. It is a fact that since 1892 one could not construct a new building in any alley in the District of Columbia that was less than 30 feet wide. Let me read the law. It was approved July 22, 1892. It reads:

Be it enacted, etc., That from and after the passage of this act it shall be unlawful to erect or place a dwelling house on or along any alley in the District of Columbia where such alley is less than 30 feet wide and is not supplied with sewerage, water mains, and light: Provided, That no dwelling house hereafter erected or placed in any alley shall in any case be located less than 20 feet back clear of the center line of such alley, so as to give at least a 30-foot roadway and 5 feet on each side of such roadway clear for a walk or footway, and that it shall be unlawful to erect or place a dwelling house on or along any alley which does not run straight to and open at right angles upon one of the public streets bordering the square in which such alley is located, with at least one exit 15 feet in the clear.

Sec. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

So that the suggestion made the other day by the gentleman from Illinois [Mr. MANN] about the use of alleys less than 30 feet wide which are to be utilized for building purposes will practically result in the confiscation of the property does not seem to have worked any hardship in the District of Columbia, because that has been the law here ever since 1892.

The pending bill, of course, enlarges that law very considerably. It enables new construction to be entered upon under certain conditions named in the bill; but it does one thing which is all important—it definitely allows the officials of the District to condemn buildings which are not habitable and that should not be inhabited. In that regard this bill is a great step forward in the right direction.

Mr. STAFFORD. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. STAFFORD. The gentleman from California has always taken a deep interest in local District affairs. Can he inform the committee as to the extent of the alleys to which this bill will apply?

Mr. KAHN. I think the gentleman from Missouri [Mr. BORLAND] has a complete list of all the alleys, which he will insert in the RECORD as a part of his remarks. I am under the impression that he said there were probably 30 or 40 alleys that were absolutely less than 30 feet in width.

Mr. STAFFORD. And one block in length?

Mr. KAHN. Some are one block in length and some do not run through to the street on the other side. Some extend in one direction probably half a block and then turn at right angles down into the other part of the block. They are irregular in shape. The idea of the people who have been connected with this movement and improvement is to open up all the alleys to adjoining streets. At the present time it sometimes happens that a crime is committed in one of these blind alleys. By reason of the fact that the alley does not extend through to the other street, the police official running in to make an arrest gets no opportunity to get a view of the offender.

Mr. STAFFORD. I should think in a closed alley the offender would be pocketed so that the police would be better able to capture him rather than have him escape.

Mr. KAHN. Oh, he gets away through the houses, and usually when questioned nobody knows anything about him and nobody has seen him.

Mr. STAFFORD. When I interrupted the gentleman he was laying emphasis on what he deemed the most commendable feature of the bill—

Mr. KAHN. One of the most.

Mr. STAFFORD. That which permitted the District officials to condemn these rookeries. The bill under consideration provides that if the property has depreciated 50 per cent or more then it should be condemned. Is the gentleman acquainted with the rate of depreciation that goes on each year in dwellings as determined by appraisers? If the gentleman will permit me, it does not take a dwelling to be very old to be depreciated 50 per cent.

Mr. KAHN. The appraisalment—

Mr. STAFFORD. Not the appraisalment. The gentleman is well acquainted with the appraisal companies throughout the country that place a value on all kinds of property, real and personal, and that they have a certain scale of depreciation; machinery wears out generally in 10 years—

Mr. KAHN. Twenty years. They write off, I believe, about 5 per cent a year for depreciation.

Mr. STAFFORD. The percentage depends on the usage to which the machinery is put. As far as factory buildings and dwellings are concerned, there is a greater percentage of depreciation as the building becomes older than when it is new.

Mr. KAHN. Yes.

Mr. STAFFORD. Can the gentleman tell us what is the usual age of a dwelling when it becomes 50 per cent depreciated?

Mr. KAHN. No; I can not. But I have seen some of these dwellings in these alleys, and some are 40 years old, and some are even older than that. I should judge, from casual observation, that many are more than 50 per cent depreciated now.

Mr. STAFFORD. There is no question but that these rookeries, as they are called, are more than 50 per cent depreciated, and should be condemned; but I can imagine a building that might be depreciated 50 per cent and yet be habitable.

Mr. KAHN. There have been no new buildings constructed in the alleys less than 30 feet wide for residential purposes in practically 20 years. In other words, since the passage of that act which I read a while ago there has been little or no construction in most of the alleys in the city of Washington. So that all the buildings in the alleys are all older than that, and many of them more than twice as old.

Mr. STAFFORD. It is not a question of age so much as the habitable character of the building.

Mr. KAHN. I am satisfied that the commissioners will exercise judgment in enforcing the law.

Mr. STAFFORD. There is no discretion left to the commissioners by this bill. If there is more than 50 per cent depreciation, they are forced to condemn it.

Mr. KAHN. It is a matter of discretion as to what is the 50 per cent depreciation.

Mr. STAFFORD. Oh, no; that is a fact. That would be determined by the appraisers, and they will have to follow the appraisement.

Mr. KAHN. Of course, if the appraisers find that it has depreciated to that extent, I am satisfied that they will follow the opinion of the appraisers.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Certainly.

Mr. BUTLER. I am somewhat interested in this, because I would like to see this great improvement made. Will the gentleman tell me how you are going to ascertain the extent of the depreciation and the value? There is no machinery offered or provided for in this bill.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. CARY. Mr. Chairman, I yield 10 minutes more to the gentleman from California.

Mr. BUTLER. Has the gentleman a suggestion to make in respect to that?

Mr. KAHN. Mr. Chairman, I am satisfied that in arriving at a percentage of depreciation the Commissioners of the District will probably—

Mr. BUTLER. I know; but they might or might not. Is it not the right thing to put into this bill some method by which that depreciation can be ascertained, some manner pointed out? And let me call attention to another provision. I refer now to the condemnation of this property without providing any compensation whatever.

Mr. KAHN. As I stated, that provision is already existing law.

Mr. BUTLER. I know that it is existing law; but this provides for the condemnation as provided by law, for the removal of dangerous or unsafe buildings.

Mr. KAHN. There is existing law, which was passed in 1892, and of which I spoke at the outset when I began to address the committee, which does not permit new construction in alleys less than 30 feet wide, and there has been no new construction since that time. And yet that property has been practically idle, much of it, and it has not been looked upon as confiscation. This bill, in my judgment, will open up a great deal of that property and will allow the owners of that property to again get some benefit out of it by following the provisions in this law.

Mr. BUTLER. I am not asking these questions merely for the sake of asking them or for getting into the Record.

Mr. KAHN. Oh, the gentleman is not in the habit of doing anything of that kind.

Mr. BUTLER. For instance, the gentleman and I might not agree upon the value of the property on an alley. The gentleman might insist that it had depreciated one-half and I might insist that it had not. Where is the method by which it can be legally ascertained what the value of that property is, so that the property might be condemned as provided for in this act?

Mr. KAHN. I should say that while the statute itself is silent on that matter, the Commissioners of the District could easily call on the assessors of the District for an opinion.

Mr. BUTLER. But the property owner might not agree to it,

Mr. KAHN. Then the property owner could probably go into court and get an injunction and try to prevent the condemnation of his property.

Mr. BUTLER. Will not the gentleman agree with me that the bill has absent from it the provisions that it should have in it?

Mr. KAHN. Let me call attention to a condition that existed in my home city along similar lines. When San Francisco was having a very large influx of Chinese immigrants they found homes in a congested section of the city. There were some alleys in that section. The houses after a while became an absolute nuisance. The board of supervisors of the city of San Francisco passed ordinances declaring how many cubic feet of air there should be for every individual who inhabited any room. It also gave the board of health power to condemn property. It did not go into all of these details that the gentleman has suggested, and yet under the legislation that was enacted by our local board in the shape of ordinances it was enabled largely to eradicate all of the nuisances that existed in that section of San Francisco.

Mr. BUTLER. I want to ask the gentleman one more question. Of course under the Constitution this property can not be taken away from the property owner without making just compensation for it.

Mr. KAHN. That is true.

Mr. BUTLER. That is all right, but where is the method of procedure? None seems to be provided in the bill. Ought it not to be pointed out, the same as in the statutes of our various States where property is condemned? The method by which the property owner recovers compensation is all written in the statute, and his remedy is complete, all pointed out.

Mr. KAHN. Mr. Chairman, if I were writing this substitute I probably would have written it somewhat differently from the way in which it has been written.

Mr. BUTLER. I would like to vote for the measure, but at the same time I would like to see the property owner somewhat protected.

Mr. KAHN. I want to say to my friend that I have no fear that the commissioners, seeking the advice and obtaining the advice of the assessors who are familiar with property owners in the District, will be able to arrive at a just conclusion regarding the value of the property. The property owner will not be deprived of his land if the commissioners undertake to condemn it. He has his rights. He can get out an injunction and prevent any infringement of these rights.

Mr. BUTLER. I know; but he ought not to be put to that expense.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Certainly.

Mr. STAFFORD. Will he be permitted to allow that building still to remain standing and have it used for other purposes than a dwelling? Not under the provisions of this bill. He could not use it for a warehouse or a garage. He could not use it for any lawful purpose. The building would have to be razed.

Mr. KAHN. If the building is in such bad shape that it should be condemned, he ought not to be allowed to use it for a warehouse or a garage or anything else. He ought to be compelled to pull down a building that is clearly a nuisance.

Mr. STAFFORD. The building may be unsuitable for habitation purposes and yet be perfectly suitable for warehouse purposes.

Mr. KAHN. I doubt whether they would condemn a building that is absolutely unsuited for dwelling purposes and prevent the owner from using it as a warehouse.

I imagine that the commissioners will use their discretion and their judgment in enforcing the law and will not attempt to compel the tearing down of a building that is serviceable for any purpose whatever.

Mr. MADDEN. Is there no power whatever within the health commissioner now to say what building is sanitary and what is insanitary, and has he no power to regulate?

Mr. KAHN. I am not quite positive about it, but I think he has the right to eradicate a nuisance. But I do not know positively whether he has the right to compel the tearing down of a building, and that is a right that I think is given in practically every large city in this country.

Mr. MADDEN. I think the health commissioner, having the power to regulate sanitation, would also have the power to say that a building should not be allowed to stand if that were one of the prerequisites of sanitation.

Mr. KAHN. Under this law I am satisfied he will have that right; I do not think he has that right at the present time. That is one of the reasons why we want the law passed. Now, every Member of the House and every citizen of the Republic is interested in having this Capital built up so that it will be a

credit to our Nation. Some of the alley conditions that have existed here within a stone's throw of this Capitol have been an absolute disgrace to the Nation. Some of the worst ones are being cleaned up. They are being converted into parks. Right here in the southwest section of the city, only a short distance from the Capitol Grounds, Willow Tree Alley is being cleaned up and made into a park. It is a great improvement. And if a number of these unsightly alleys could be treated in the same way, if they could be eliminated entirely, or even in some instances converted into playgrounds, it would be a blessing to the people in the neighborhood where they exist, and it would also be a material improvement for the city.

Mr. MADDEN. Does the gentleman think it would be wise to do away with alleys altogether?

Mr. KAHN. I do not; not all of them.

Mr. MADDEN. Does this bill provide for that?

Mr. KAHN. Oh, no.

Mr. MADDEN. Does not it provide that the alleys can be condemned for alley purposes?

Mr. KAHN. I do not think the substitute does; the bill itself does, but the substitute, which we are considering, does not.

Mr. MADDEN. I hope there will be some legislation doing away with alleys—

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. CARY. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. RUPLEY].

Mr. RUPLEY. Mr. Chairman, I desire to say to the committee that this proposed legislation meets with my approval and will receive my support. I also desire to ask unanimous consent to extend my remarks in the RECORD on the principles, candidacies, and platforms of the Progressive Party in the State of Pennsylvania and the Nation, and to review the measures passed by this Congress and the platform pledges that have not been fulfilled.

The CHAIRMAN. Is there objection to the gentleman extending his remarks in the RECORD in the manner indicated? [After a pause.] The Chair hears none.

Mr. JOHNSON of Kentucky. Does the gentleman from Wisconsin desire to use any more time?

Mr. CARY. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Twenty-three minutes.

Mr. JOHNSON of Kentucky. I will say to the gentleman that in so far as I can see now there will be no time used on this side.

Mr. CARY. I do not think there is any further time desired on this side except that I would simply like to ask permission to extend my remarks in the RECORD.

I wish to say, Mr. Chairman, that I do not care to waste the 23 minutes which I have left, as the House is virtually unanimous on this bill, so why use up any more time, at an expense to the taxpayer of \$12 a minute, which, it has been figured out, is the actual cost while Congress is in session? This will make a saving of \$276 and at the same time will hasten the passage of the bill.

At this time, when the waves of political activity are surging with all sorts of campaign literature, and the people of the country seem to be ill advised as to the vast difference and degree of importance which exists between a roll call and a call of the House, I believe it is due time that they be set aright as to the proper definition and relative importance of each, so that they be not falsely informed by many overzealous aspirants to Congress, who would have them believe that the missing of a roll call is sufficient evidence to warrant a Congressman's defeat at the polls.

Ever since I have been in Congress I have tried to show the people of my district that a call of the House is a call of the Members to get a quorum; that the Members simply answer present; that it is not a vote on anything and is of very little value to the people; while, on the other hand, a roll call on bills vital to the people is an entirely different proposition; yet both are called roll calls.

If we could be here in Congress all day, at an expense of \$12 a minute, and at the same time be present at this or that department, why, all this talk about roll calls missed would cease, but since the dual man is a creation of fiction and not a reality, we can only be present at one place at a time.

How in common sense can a Congressman be at the Pension Department; at the State Department, trying to locate lost people in Europe; at the Immigration Department; at the Patent Office; at the War and Navy Departments; at the Interior Department; attending committee meetings, where most of the work of Congress is done; answering his mail; be entertaining his friends from the district which he represents, and be in Congress at the same time listening to long-drawn-out speeches?

Only yesterday I missed one of these calls of the House while I was at the State Department endeavoring to locate Mr. Nordberg, president of the Nordberg Manufacturing Co., of Milwaukee, Wis., who is lost in Germany. This happens quite often.

I can recall one day when one of my constituents was here in Washington on a business matter with the Internal Revenue Department. While I was with him doing my best to help him on the case I missed eight of these calls of the House, which were nothing more than a filibuster, pure and simple—done, no doubt, for political purposes or to delay some bill. Congress has been in session continuously for 18 months, and why?

I wish to congratulate the chairman of the Committee on Printing, Mr. BARNHART, for the very true, but hard to be believed, remarks of his on September 4, and which, I think, are well deserving to be reprinted.

REMARKS OF MR. BARNHART.

"Mr. BARNHART. Mr. Speaker, habitual neglect of duty by any public official whom the people have intrusted with their business is a crime in fact if not in law. [Applause.] This is just as true of Members of Congress as of any other public officials. But does occasional absenteeism from the House during long sessions of Congress like we have had continuously for several years necessarily constitute neglect of duty? Is the worth of a Member of Congress to be estimated by the number of times he answers roll calls, whether they be important votes or political horseplay? I think not. A Member of Congress has other duties to perform beside sitting in the House listening to long-winded speeches and political jockeying. [Applause.] If he is a working Member, he is on some important committee that has frequent meetings to give hearings on proposed legislation or to investigate alleged abuses of the public. And if his committee is in important session and some Member in the House makes a point of order that there is not a quorum present—218 Members—there is a roll call. The busy Member hears that the call is merely for a quorum and goes right on with his work, and the RECORD shows him absent. The Member with little or nothing to do answers the roll call, and thus the RECORD credits him with 'present.' The Member actually at more important work than answering 'present' is thereby condemned by the RECORD for absenteeism, while the one with little to do but sit in the House is glorified by the RECORD showing him answering all roll calls. Therefore I submit that always answering 'present' is not the royal diadem of useful statesmanship. [Applause.]

"A live Congressman has an enormous amount of correspondence to read and answer in his office and a thousand and one trips to departments in behalf of the needs of his district. In this way he serves his constituents who can write him. But those who are not ready letter writers and who seldom ever see and talk with their Congressman get no personal consideration from the man who represents them.

"It may be that sitting in the benches of this House year in and year out and answering every roll call is a safe criterion by which to estimate efficient representation of a congressional district, but if that be true then anyone who can say 'present' and who has the physical disposition to keep a seat warm five or six hours every day would be just as useful as the most effective and alert legislator that ever came to Congress.

"Mr. Speaker, I never had such a clear conception of duty to my people as when I had time occasionally to circulate among them and hear from their own lips their ideas of the needs of public welfare. I never served the people I represent as intelligently and as fully as when I used to go home occasionally and, after advertising my coming, 'keep open house' in all of the principal towns and cities of my district and thereby enable the people of all classes to confer with me. The old soldier who felt that his service to his country was not being properly appreciated, the poor mother whose son had boyishly run away and become tied up in the Navy to her distress, the farmer who had claims for better rural mail service and needs for Agricultural Department help, the business man who had suggestions of better Government service, the preacher and teacher and laborer who felt entitled to consideration of their wants by their Government, all came to see me, as did hundreds and hundreds of others. And they were profited by the information I could give them, and I was thereby given a larger conception of public needs and official duty.

"It is figured out that the expense of running Congress is \$12 per minute, and we see Members daily burning up money in speech making or ordering nonsensical roll calls. We hear others uproariously applaud proposed punishment of absentees, whose actual records of attention to duty are not half as faithful as those whom they publicly censure. And we see others con-

tinually talk, talk, talk for self-aggrandizement until Members are driven into God's outdoors as a matter of health and soul protection. [Applause.] They seem to count that page of the CONGRESSIONAL RECORD lost which does not contain their names.

"Far be it from my purpose to apologize for habitual absenteeism from this House, for it is inexcusable and reprehensible [applause]; but I tell you, Mr. Speaker, that if we did less grandstanding here and gave more attention to what is really needed and to doing business we would be vastly better off and so would our country.

"Answering every roll call is a commendable record for a Congressman, but faithfully caring for the wants and needs of the people he represents is vastly better. He should not be judged by the number of hours he sits in the House listening to routine schedule and campaign vaporings, but rather let it be said of him, 'He was always present at important lawmaking and voted right, and he heard and heeded and served the meritorious wants of his people.' Do not measure me as a Representative by what I pretend, but by what I do; not by parade of promises, but by actual and earnest performances; and not by the limelight roll calls I answer, but by what I accomplish for my people and my country. [Applause.]

"Mr. Speaker, I have now talked eight minutes—\$96 worth of time. [Applause.]

Oh, for the days when political campaigns did not savor of falsity and personal attacks, when candidates for election did not resort to mud slinging and the publishing of lies. Turn back to the days of McKinley, Reed, Crisp, Clark, and other distinguished statesmen who were unanimously elected to Congress. Did it ever happen to these gentlemen that their record was attacked on account of roll calls missed? No; and the fact of the matter was that men in those days played politics on the square and stood on their merits.

Something must be done in order that the people of this country should not be humbugged by office seekers, and now is the opportune time to at least check the false statements and attacks that are being spread broadcast, in an endeavor to elect men to Congress.

I never in any of my campaigns resorted to mud slinging or to personal attacks on my opponent. I have always stood on my record and let the voter decide. It behooves all of us, and especially the newcomer, that we have at least a sprinkling of charity in our campaigns, and in connection with this I might refer to a clipping from the Washington Star of Saturday, September 12, and say that if more of us would do unto our political opponent as we would have him do unto us, campaigns would not reek with the foul stench of personal attacks, and the slogan of most of us would be "Let the dead past bury its dead."

REPRESENTATIVE CARY'S REASONS.

As the body needs health, strength, and nourishment, so also does the soul. And where will we seek this spiritual nutriment? Principally in church. We can find a kind of soul refreshment in the reading of religious books, in hours spent in meditation, and in the practicing of acts of charity and self-denial; but if we desire real soul sustenance we must seek it in church, where a holy influence becomes inoculated in us, giving us added vigor to live righteously, fortifying our bulwark against temptation and enabling us to live, paying homage to God and doing unto our neighbor as we would have done unto us.

WM. J. CARY,

Representative in Congress from Wisconsin.

I sincerely hope that I have made myself clear and that my remarks may be some enlightenment to the people.

Mr. JOHNSON of Kentucky. Mr. Chairman, the attitude of the committee seems to be that some desire a vote upon the substitute, and if it be rejected, then upon the House bill. I therefore ask unanimous consent that the reading of the bill section by section for amendment be waived so that we may come to a direct vote first upon the substitute.

The CHAIRMAN. The Chair did not understand the gentleman's request.

Mr. JOHNSON of Kentucky. I withdraw the request. I will ask the Clerk to read the substitute.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the substitute be read in lieu of the bill. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

That from and after the passage of this act it shall be unlawful in the District of Columbia to erect, place, or construct any dwelling on any lot or parcel of ground fronting on an alley where such alley is less than 30 feet wide throughout its entire length and which does not run straight to and open on two of the streets bordering the square, and is not supplied with sewer, water mains, and gas or electric light; and in this act the term "alley" shall include any and all courts, passages, and thoroughfares, whether public or private, and any ground intended for or used as a highway other than the public streets or avenues; and any dwelling house now fronting an alley less than 30 feet wide and not extending straight to the streets and provided with sewer, water main, and light, as aforesaid, which has depreciated or

been damaged more than one-half its original value, shall not be repaired or reconstructed as a dwelling or for use as such, and no permit shall be issued for the alteration, repair, or reconstruction of such a building, when the plans indicate any provision for dwelling purposes: *Provided*, That rooms for grooms or stablemen to be employed in the building to be erected, repaired, or reconstructed may be allowed over stables, when the means of exit and safeguards against fire are sufficient, in the opinion of the inspector of buildings, subject to the approval of the Commissioners of the District of Columbia; and no building now or hereafter erected fronting on an alley or on any parcel of ground fronting on an alley less than 30 feet wide and not otherwise in accordance with this act shall be altered or converted to the uses of a dwelling. Any such alley house depreciated or damaged more than one-half of its original value shall be condemned as provided by law for the removal of dangerous or unsafe buildings and parts thereof, and for other purposes. No dwelling house hereafter erected or placed along any alley and fronting or facing thereon shall in any case be located less than 20 feet back clear of the center line of such alley, so as to give at least a 30-foot roadway and 5 feet on each side of such roadway clear for a walk or footway, and any stable or other building hereafter placed, located, altered, or erected on or along such an alley upon which a dwelling faces or fronts shall be set back clear of the walk or footway the same as the dwelling or dwellings, but the fact that dwellings are located in such alleys shall not affect the location of stables or other buildings otherwise.

The use or occupation of any building or other structure erected or placed on or along any such alley as a dwelling or residence or place of abode by any person or persons is hereby declared injurious to life, to public health, morals, safety, and welfare of said District; and such use or occupation of any such building or other structure on, from, and after the first day of July, 1918, shall be unlawful.

Mr. IGOE. Mr. Chairman, I desire to offer an amendment. The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 24, line 7, after the word "July" strike out: "1918" and insert in lieu thereof "1924."

Mr. IGOE. I do not desire to discuss the amendment except to say that the original House bill provided that these dwellings should be abolished after 10 years. It also contained, I believe, a provision for compensation in taking over certain property. This substitute contains no provision for compensation, and fixes the time limit at four years. The substitute is the Senate bill, and as this substitute if adopted leaves practically nothing to a conference, I think this question ought to be settled now. It seems to me these people ought to have more than four years after the passage of this bill.

Mr. STAFFORD. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman. I fully sympathize with the effort that is being made to rid the District of slum conditions in our alleys and courts. If those slum conditions exist in such a deplorable manner as has been recited by those who are acquainted with them, then they should be remedied immediately and not continued for such a long space as 10 years. Four years, as provided in the substitute, I think, is ample in which to give the local District authorities time to search and eliminate the pest spots in those infested districts. The substitute that has been offered has not been well considered. There are some features of it that I think are open to serious objection. The mere fact that a dwelling happens to be located in a thoroughfare less than 40 feet—

Mr. COADY. Thirty feet.

Mr. STAFFORD. Well, it is 30 feet—and then there is required in addition 5 feet on either side for a walk, making 40 feet—does not mean that it will be in an insanitary condition. This bill when it seeks to rid the District of its sore spots should provide for authority in the District Commissioners to rid the District of all pest houses whether they are located in courts or alleys less than 30 feet, or less than 40 feet, or even if they are located on a street 40 feet or over. No such provision—

Mr. BORLAND. What does the gentleman mean by pest houses?

Mr. STAFFORD. Oh, where the buildings are breeders of disease; where contagious diseases arise because of poor sanitary arrangements.

Mr. BORLAND. Does not the gentleman understand that they have a health board in the District which is supposed to do that very thing?

Mr. STAFFORD. The gentleman from California [Mr. KAHN], who just took his seat, when asked that question was in doubt whether there was such a provision. I was surprised to think that there would not be in a well-regulated city.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I will be glad to yield.

Mr. KAHN. I have just found out that in 1906 a law was passed which gives the health board the power to condemn and tear down property which is not fit for habitation.

Mr. STAFFORD. When?

Mr. KAHN. In 1906.

Mr. STAFFORD. If that law is on the statute books to-day, what is to prevent their going ahead and exercising that authority at present without the enactment of this law? If these

buildings to-day are uninhabitable and unfit for even the most lowly or the most high, then they should be eliminated.

Mr. COOPER. Mr. Chairman, will my colleague yield?

The CHAIRMAN. Does the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BORLAND. If the gentleman will yield to me, I will tell him why.

Mr. STAFFORD. I will yield first to my colleague.

Mr. COOPER. I would like to ask my colleague what use there is in having a health board, with authority to condemn structures of that kind, if at the same time we have a building inspector's department which permits the putting up of new structures of exactly the same kind—for example, the building described by the distinguished gentleman from Missouri [Mr. BORLAND]—a new tenement building 250 feet long and only 18 feet wide, on Rhode Island Avenue, with a narrow, dark hall, and without windows or light, running its entire length, and the remainder of the building divided into single rooms rented at \$8 a month. What is the use of having any official body with authority to condemn a building like that if some other such body is to continue to authorize the erecting of new buildings just like it?

Mr. STAFFORD. The citation of my colleague only emphasizes the need of amendments to this measure. It does not meet the situation at all as it stands.

Mr. COOPER. Mr. Chairman, one of the things that ought to be done is to condemn the official or the officials who issued the permit for the putting up of that structure on Rhode Island Avenue. If we will direct somebody to find and report what official person or persons gave that permit and then proceed to remove his official head, or their official heads, we shall have reached pretty nearly to the source of this evil.

Mr. STAFFORD. My colleague's statement emphasizes the need of some better provision than that which we have here.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. TOWNSEND rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. STAFFORD. I will yield first to my friend from Missouri [Mr. BORLAND].

Mr. BORLAND. I just wanted to suggest to the gentleman that there is a law now in the District of Columbia permitting the health board, on sanitary complaints being made, to investigate them and require the conditions to be made sanitary; and the experience in these alley structures is that sometimes there will be 80 or 90 sanitary complaints from a single alley in a single year, and the health board will go there—

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin [Mr. STAFFORD] may have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BORLAND. The health board will go there, I say, and find that the sanitary complaint is well founded and that the conditions ought to be changed, and it will make certain requirements on the owner of the property, who will comply just to the extent necessary to get past a prosecution for a criminal act, and then he will stop, and in a few weeks or a few months a new sanitary complaint is lodged, practically against the same building or the same conditions. That is the operation of the health law. The purpose of the alley-elimination law is to eliminate the conditions out of which those things grow; not to take the place of the board of health, but to take the enormous burden off the board of health that the existence of inhabited alleys places upon it. Does the gentleman see the idea?

Mr. STAFFORD. Yes; but they are not curing the pest spots. You are protecting them, as in the case instanced by my colleague, of the apartment house on Rhode Island Avenue.

Mr. TOWNSEND. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes; I yield to the gentleman from New Jersey.

Mr. TOWNSEND. I wanted to ask the gentleman from Wisconsin if he did not understand that the inherent or implied police power exercised by the board of health in every city in which he is acquainted could be used not only to cure most of the evils he complains of, but to prevent the evil that his colleague [Mr. COOPER] speaks of? Have they not already every specific power necessary, whether granted by statute or not, to prevent such a performance? Is there any necessity for any statutory power to be given?

Mr. STAFFORD. There is no implied general power, as I understand, and there is need of an express statutory authoriza-

tion. These municipal officers have only such authority as is delegated to them by statute.

Mr. TOWNSEND. Is it not implied in the police power that they have?

Mr. STAFFORD. Not to the extent suggested by the gentleman from New Jersey. There must be authority especially delegated to the officials—authority to confiscate the property or to regulate it before they would be authorized to act in the premises.

Mr. TOWNSEND. I desire to say to the gentleman that in connection with the revision of the tenement laws in New York I was very much interested in the subject in New York at that time, and, although the building department could not regulate the building of tenements, as to the size of the hall and the amount of light and all that, yet at the same time the board of health did cure a great many evils of this kind without any specific statutory power being vested in it.

Mr. STAFFORD. I think the board of health must have had some delegated authority to do that work.

Mr. COOPER. Under the existing law, the person who desired to erect that monstrosity of a tenement building now on Rhode Island Avenue had first to submit the plans for it to the building department in this city and secure permission to put it up. Some District official or officials looked over those plans, learned exactly what they were, and then gave the permit for the erection of the building; and the man or the men who did that ought to be removed from office without one moment of unnecessary delay. It was gross, inexcusable disregard of duty for any official in this day and generation to give a permit to put up a thing like that for men, women, and children to live in, I care not how humble their station in life.

Mr. BUTLER. A sort of old-fashioned cornerrib.

Mr. COOPER. You would not let even a pig live in any place not well supplied with light and pure air.

Mr. STAFFORD. The instance cited by my colleague [Mr. COOPER] only emphasizes the lack of interest on the part of the governing officials here in Washington to supervise the conditions prevailing throughout the District. It is a criticism of the existing system of government in this District, because there is nobody sufficiently or directly interested to supervise and scrutinize the actions of the subordinate officials.

The CHAIRMAN. The gentleman's time has expired. The question is on the amendment offered by the gentleman from Missouri [Mr. IGOE].

The question being taken, on a division (demanded by Mr. IGOE) there were—ayes 5, noes 18.

Accordingly the amendment was rejected.

The Clerk read as follows:

SEC. 2. That any person or persons, whether as principal, agent, or employee, violating any of the provisions of this act or any amendment thereof for the violation of which no other penalty is prescribed shall, on conviction thereof in the police court, be punished by a fine of not less than \$10 nor more than \$100 for each such violation, and a like fine for each day during which such violation has continued or may continue, to be recovered as other fines and penalties are recovered.

Mr. LOGUE. Mr. Chairman, I move to strike out the last word. Relative to the conditions referred to by the gentleman from Wisconsin [Mr. COOPER], the question that presents itself to me is whether any officer would have the power to refuse a permit unless there were statutory regulations giving him such power. We have in force in the city of Philadelphia acts of assembly which forbid the erection of dwelling houses except under the conditions therein prescribed, and forbidding as well the use of a building for dwelling purposes unless it comes up to certain requirements. I do not consider that, unless provided for by statute, any executive officer would have the discretion to refuse a permit for a building such as has been described. Therefore, as has been suggested, it is necessary that we should have the requisite legislation to regulate and control the erection of buildings in the future, so that no such buildings shall be erected hereafter. The present substitute does not go far enough. There are two things to be provided: One is the abolition of dwelling houses in alleys of less than a certain width. Their construction is forbidden in the future. As regards those at present existing, their abolition depends on whether they shall have depreciated 50 per cent in value or not. It may be that the value of them will be the same four or five years from now as it is to-day, and therefore the question should not be predicated upon the value.

To my mind the two important thoughts are: First, no building to be erected except upon a street of a certain width; therefore no permit to go out for the erection of such a building. Under those conditions none could be erected. If it is hoped to do away with the present conditions of buildings used for dwelling purposes which are insanitary, but subject to repair, say, for instance, in the plumbing, and still

at the same time dwellings upon dark back alleys, which are therefore unhealthful and undesirable, we are led to the consideration of the second condition, and that is the abolition of all such places. If we undertake that, it is to be done for two purposes: First, for the improvement of the particular neighborhood, but secondly, and more broadly and beyond that, it is done for the benefit of the general improvement, and it is therefore in the nature of a general improvement, to which the individual must submit, and thereby suffer, and there should be associated with it the power to condemn and take for general use property without regard to its depreciation of value and to provide the proper method of compensation when such property is taken. I would therefore leave it discretionary to acquire alleys and neighborhoods for general public use, without regard to such an uncertain thing as the depreciation in value, but when general surroundings and general conditions warrant I would have the property so condemned. Mere improvement in value will not tend to make them healthful.

Mr. BORLAND. I move to strike out the last word.

The CHAIRMAN. The gentleman is recognized in opposition to the pending pro forma amendment.

Mr. BORLAND. Mr. Chairman, it has been said that this original bill, known as the commissioners' bill, for which a substitute has been reported by the committee, is not perfect or satisfactory in all of its details to those interested in alley elimination. It has been said that the alley committee and other people interested are not wholly satisfied with the provisions of that bill, and I suppose that is true. But this present substitute, as I understand it, is word for word the bill which passed the body at the other end of the Capitol. Therefore if we pass this substitute we are practically completing the law at this stage. You will notice that in the closing section, section 3 of the substitute, is a clause repealing the present alley law. That is a pretty sweeping thing to repeal the present law when we have not any more to take its place than we have in this substitute. Those of us who are interested in actual reform and in some advance in this proposition are pretty much inclined to vote down this substitute and to leave the original bill as the commissioners drew it, and pass it even though we may not be wholly satisfied with its provisions. That will enable this body and another body having joint legislative powers with it to arrive in conference at a bill with which the commissioners and law officers of the District will, perhaps, be satisfied. So it is a very good thing at this stage of the session to vote down the substitute and then adopt the original bill, and then allow such changes to be made in conference as will perfect it. That is the suggestion I want to make at this time.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words. I had intended to call the attention of the chairman of the committee to the misspelling of the word "dwelling," in line 22, page 23, in the prior paragraph. It has but one "l" instead of two.

Mr. JOHNSON of Kentucky. I suppose that will be corrected in the enrollment without amendment.

Mr. STAFFORD. Oh, no; it will have to be corrected here.

Mr. JOHNSON of Kentucky. I ask unanimous consent to correct the spelling of the word "dwelling" in the place indicated by the gentleman.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the spelling of the word "dwelling," in line 22, page 23, be corrected. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 3. That the act of Congress approved July 22, 1892, entitled "An act regulating the construction of buildings along alleyways in the District of Columbia," and all laws or parts of laws inconsistent with the provisions hereof, are hereby repealed.

The CHAIRMAN. The question is on the adoption of the substitute.

Mr. BORLAND. Mr. Chairman, a parliamentary inquiry. If this committee amendment be voted down, the question will then recur on the original bill, will it not?

The CHAIRMAN. The original bill will then be subject to a motion to report it to the House with a favorable recommendation. The question at this time is upon the substitute.

Mr. BORLAND. The way to get the original bill before the House is to vote down the committee substitute?

The CHAIRMAN. Yes. The question is on the substitute reported by the committee.

The question being taken, the Chairman announced that the yeas appeared to have it.

Mr. STAFFORD. What is the motion before the House?

The CHAIRMAN. The question is on the substitute reported by the committee.

The question was taken; and on a division (demanded by Mr. JOHNSON of Kentucky) there were—yeas 23, noes 8.

Mr. COADY. Mr. Chairman, I demand tellers.

The CHAIRMAN. Thirteen Members rising—not a sufficient number—and tellers are refused.

So the amendment was agreed to.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that the bill as amended be laid aside to be reported to the House with a favorable recommendation.

The motion was agreed to.

PLAZA AWARDS.

Mr. JOHNSON of Kentucky. Mr. Chairman, there is another very important bill on the calendar which I am extremely anxious to see disposed of, and that is what is known as the "Plaza awards bill." There are but few Members here, and I will be frank and say that if the bill as it comes from the District of Columbia Committee is defeated in the Committee of the Whole I shall make the point of no quorum. I do not know whether such a point will be made by those in opposition or not.

Mr. BUTLER. The point of no quorum is not hard to make. I have had a little experience in making it.

Mr. JOHNSON of Kentucky. As I was saying, I will be perfectly frank and say that if the bill as it comes from the District Committee should be defeated by the small number of Members now present, I shall make the point of no quorum. I apprehend that the opposition to the bill would do the same thing, and if that is to be done I do not see any use of going into it. I would prefer to take up other bills to which I think there would be no objection. The gentleman from Pennsylvania [Mr. LOGUE] has appeared heretofore in opposition to the bill.

Mr. STAFFORD. I understand that there are still 40 minutes of general debate on the Plaza bill. I suggest that we consume that time and then take the bill up for consideration under the five-minute rule; and if the exigency arises that the gentleman refers to, then any gentleman is privileged to make a point of no quorum. But we will make headway by taking the bill up now. The session is drawing to a close and there will not be many District days after this.

Mr. JOHNSON of Kentucky. I believe the bill should be debated from my standpoint of it, at least, when there are more Members present.

Mr. LOGUE. Mr. Chairman—

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Pennsylvania?

Mr. JOHNSON of Kentucky. I do.

Mr. LOGUE. In reference to the Plaza resolution, the Committee on Public Buildings and Grounds have a substitute, and we discussed it at some length a few weeks ago. I would certainly feel it my duty to avail myself of the privilege to which the gentleman from Kentucky refers, and as he said he would, and that is to raise the question of no quorum. I would not undertake to do so at this time, and would not do it in the interest of pure delay. I am satisfied that this matter is of great importance, and I feel that it should be discussed with a larger attendance than is present in the House, and also a larger attendance than is generally brought in by raising the point of no quorum. I do not think we would get very far. There are 40 minutes of general debate. Perhaps we could utilize that.

Mr. JOHNSON of Kentucky. That would be thrown away as to those not here and those who are being called in to vote on the passage of the bill.

Mr. LOGUE. I am satisfied to accept the suggestion of my friend from Kentucky.

The CHAIRMAN. Under the rule, Senate joint resolution 129, the Plaza award resolution, is in order as unfinished business.

Mr. JOHNSON of Kentucky. Mr. Chairman, I am anxious to take the Plaza bill up and dispose of it; but if, as I said, the bill as it comes from the District of Columbia Committee is defeated on a preliminary vote, I shall make the point of no quorum. The gentleman from Pennsylvania [Mr. LOGUE] has indicated that he will do the same thing unless his contention is carried, and I therefore see no reason to go into it.

Mr. STAFFORD. Mr. Chairman, it is only half past 2, and everybody recognizes the pressing character of this bill and that some legislation should be passed before the adjournment of Congress. Property has been taken, and the claimants are being deprived of their money. I am not going to direct the policy of the committee, but I suggest to the gentlemen that they go ahead, and if the gentlemen think that a quorum should be present, make the point and bring them in.

Mr. BUTLER. It is perfectly easy to get Members here. I have done it several times. All you have to do is to have a

little nerve and make them come in and receive their \$20.45 a day.

Mr. JOHNSON of Kentucky. I will say to the gentleman from Pennsylvania that I am apprehensive that a quorum can be gotten this afternoon.

Mr. BUTLER. Then the gentleman's reason for not raising the point of no quorum is a very good one. I thought that Members were staying here and trying to earn their salary.

Mr. STAFFORD. I did not think that the gentleman from Kentucky would admit that the war resolution of the gentleman from Alabama had lost its vitality so soon.

Mr. GARRETT of Texas. Mr. Chairman, I have been here 18 months myself, and I will see if there is not a quorum in town, and I make the point of no quorum.

The CHAIRMAN. The gentleman from Texas makes the point of no quorum. The Chair will count. [After counting.] Fifty-six Members present, not a quorum, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Alken	Finley	Korbly	Reilly, Conn.
Alexander	Fitzgerald	Kreider	Riordan
Austin	Frear	Langham	Rothermel
Bailey	French	Langley	Rubey
Barchfield	Gallivan	L'Engle	Sabath
Bartholdt	Gard	Levy	Scully
Bartlett	Gardner	Lewis, Pa.	Seldomridge
Bell, Ga.	George	Lindquist	Sells
Brown, N. Y.	Gerry	Lloyd	Shreve
Browning	Gillett	Loff	Sinnot
Bruckner	Godwin, N. C.	McClellan	Smith, Md.
Burgess	Goeke	McCoy	Smith, N. Y.
Burke, Pa.	Goldfogle	McGillcuddy	Stanley
Burke, Wis.	Graham, Pa.	McGuire, Okla.	Steenerson
Byrnes, S. C.	Greene, Vt.	Mahan	Stevens, N. H.
Calder	Griest	Maher	Stout
Cantor	Griffin	Manahan	Stringer
Cantrill	Guernsey	Mann	Summers
Carew	Hamill	Martin	Sutherland
Carlin	Hamilton, N. Y.	Merritt	Talcott, N. Y.
Carr	Harris	Mitchell	Tavener
Carter	Harrison	Morin	Taylor, Colo.
Casey	Hayes	Mott	Taylor, N. Y.
Chandler, N. Y.	Hensley	Mulkey	Townsend
Church	Hinds	Murdock	Treadway
Clancy	Hobson	Murray, Mass.	Vare
Connolly, Kans.	Hoxworth	No'an, J. I.	Voltmer
Connolly, Iowa	Hughes, W. Va.	O'Brien	Volstead
Conry	Humphreys, Miss.	O'Leary	Wallin
Covington	Johnson, S. C.	O'Shaunessy	Walters
Cramton	Johnson, Utah	Parker	Watkins
Crisp	Johnson, Wash.	Patten, N. Y.	Watson
Dale	Jones	Patton, Pa.	Whitacre
Doelling	Keister	Payne	Wilson, Fla.
Driscoll	Kent	Peters	Wilson, N. Y.
Dunn	Kettner	Platt	Winslow
Elder	Kieiss, Pa.	Porter	Woodruff
Estopinal	Kindel	Pou	Woods
Fairchild	Kinkaid, N. J.	Powers	
Faison	Kitchin	Prouty	
Farr	Knowland, J. R.		

The committee rose; and the Speaker having resumed the chair, Mr. Winco, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration bills affecting the District of Columbia, and, finding itself without a quorum, he had directed the roll to be called and that 272 Members had answered to their names—a quorum—and he had handed in a list of the absentees. The committee resumed its sitting.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that the committee now take up for consideration House joint resolution 331, relating to the awards and payments thereon in what are commonly known as the Plaza cases.

The motion was agreed to.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to reconsider the vote by which the committee agreed to take up for consideration House joint resolution 331, and to lay that motion on the table.

The motion was agreed to.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. Mr. Chairman, I understand when this matter was last under consideration an agreement was entered into by which there were to be 40 minutes of general debate—20 minutes on each side.

The CHAIRMAN. The Chair will state to the gentleman that the resolution which is now under consideration has not heretofore been under consideration.

Mr. STAFFORD. As I understand it, Senate joint resolution 129, relating to the Plaza awards, is the unfinished business.

The CHAIRMAN. It was until the last meeting of the committee, when another bill was substituted for it, and the Committee of the Whole a moment ago by unanimous vote decided

to take up House joint resolution 331, so that Senate resolution 129 is not now before the committee.

Mr. STAFFORD. So that there is no agreement as to general debate whatsoever as to this resolution?

The CHAIRMAN. There has been none. This is the first time the present resolution has been called up for consideration in the Committee of the Whole. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

House joint resolution 331, relating to the awards and payments thereon in what are commonly known as the Plaza cases.

Whereas awards for the payment for property taken in the condemnation proceedings for what are commonly known as the Plaza cases were made some time ago and have been subject to examination by the Department of Justice to be approved by it and other authority; and

Whereas the President has found it impracticable to separate the payments which are not in controversy from those which are, leaving those property owners whose claims are not attacked so that payments can not be made to them, involving great consequent hardship: Now, therefore, be it

Resolved, etc., That the President of the United States shall appoint a commission of three men to complete the acquisition by the United States of so much of the real estate in squares 632, 630, 631, 632, 633, 634, 721, 722, 723, and also that part of square 633 lying east of Arthur Place, in the District of Columbia, as, in the opinion of the President, is desirable for the extension of the Capitol Grounds. The said commission shall have power to purchase any of said real estate at such a price as the said commission may deem to be the fair market value thereof, not exceeding, however, as to any lot or parcel, the amount of the award made therefor in the condemnation proceeding, District court action No. 1046, recently pending in the Supreme Court of the District of Columbia: *Provided, however*, That the purchase price to be paid hereunder for any of said real estate which was owned by either the Baltimore & Ohio Railroad Co. or the Real Estate & Improvement Co. of Baltimore City at the time when said action No. 1046 was instituted shall not exceed the bona fide, actual, original cost thereof to either of said companies plus 6 per cent interest thereon from the date of purchase by either of said companies until the date upon which the court confirmed the awards made in the aforesaid District court action No. 1046.

No purchase herein provided for by said commission shall be deemed to be complete until such purchase shall have been approved by the President of the United States. When the President has so approved, and the Attorney General of the United States has certified that all necessary deeds conveying to the United States the unencumbered, fee simple title to the real estate so purchased have been delivered, the President shall cause payment of the agreed purchase price to be made to the person or persons entitled thereto. All such payments shall be made out of the appropriations heretofore made for the acquisition of said real estate.

Each of the purchases made in pursuance of the provisions of this resolution shall be deemed to be a separate transaction from any other purchase made hereunder.

No person who has, within the last five years, served on any commission or on any jury in any proceeding to condemn real estate in the District of Columbia shall be eligible to be a member of the commission herein provided for; neither shall any ex-Member of Congress or any Member of Congress be a member of said commission.

Each of the commissioners herein provided for shall, before entering upon the duties of the position, state under oath (or affirmation) that neither he nor any member of his family owns or has a lien upon any real estate, or has any financial interest whatever in any real estate within the zone herein set out; and, further, that neither he nor any member of his family has, since the institution of the court proceedings herebefore referred to, owned any stock in or bond of any corporation which owns land in said zone; and, further, that neither he nor any member of his family is the creditor of anyone who owns land in said zone; and, further, that neither he nor any member of his family is an officer of or has any stock in or bond of any bank, trust company, or other corporation which is the creditor of any person who owns real estate within said zone; and, further, that he is not financially indebted to any person, firm, or corporation which owns real estate in said zone; or who has any loan to any person who owns real estate in said zone; and, further, that he is not indebted to or employed by any person, firm, or corporation which owns or has a lien on real estate in said zone; and, further, that neither he nor any member of his family has, since the institution of the court proceeding herebefore referred to, accepted or used any pass or other form of free transportation upon any railroad or subsidiary thereof which owns, directly or indirectly, any real estate within said zone.

The members of said commission shall be paid, out of said appropriations and upon requisition of the President, a reasonable compensation for their services, which shall be determined by agreement between the President and the members of said commission before they enter upon the discharge of their duties.

The said commission may employ a clerk and a stenographer to assist in performing the work herein provided, if they deem such assistance necessary; but the compensation of neither the clerk nor the stenographer shall exceed \$5 a day while actually engaged in said work.

The improvement and upkeep of the land which may be acquired in the zone herein described and set out shall be paid, one half by the United States and the other half shall be paid out of revenues of the District of Columbia derived from taxation.

All laws to the extent they are in conflict herewith are hereby repealed.

With the following committee amendment:

Page 5, strike out lines 12, 13, 14, 15, and 16 as follows: "The improvement and upkeep of the land which may be acquired in the zone herein described and set out shall be paid, one half by the United States and the other half shall be paid out of revenues of the District of Columbia derived from taxation."

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask unanimous consent that general debate on this House joint resolution close in 1 hour—30 minutes to be controlled by myself and 30 minutes by the gentleman from Pennsylvania [Mr. LOUVE].

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that general debate on the joint resolution conclude in one hour—one half to be controlled by himself and one half by the gentleman from Pennsylvania [Mr. LOGUE]. Is there objection?

Mr. STAFFORD. Mr. Chairman, for the time being I object. The CHAIRMAN. The gentleman from Wisconsin objects, and the gentleman from Kentucky is recognized for one hour.

Mr. JOHNSON of Kentucky. Mr. Chairman, in my opinion this is one of the most important bills that has been before Congress for many a day. It is important in more respects than one, and possibly more important just now than it has ever been.

Several weeks ago, when a resolution almost exactly like this was up for consideration, I burdened the House with a speech of more than an hour in length, explaining the matter fully, I believe. Many of you who are here to-day were not here at that time. Consequently that explanation of the resolution may, to a certain extent, have been lost. Therefore, to-day I desire to invite the attention of Members present to the provisions of this resolution.

Some time back the Federal Government undertook to acquire the property which lies between the Capitol and the Union Station as an addition to the Capitol Grounds. As I stated in the speech which I made upon this subject a few weeks ago, the law provided plainly that that property should be acquired at not to exceed \$500,000 worth a year. Notwithstanding the plain letter of the statute, the commission composed of ex-Speaker Cannon, ex-Vice President Sherman, and Mr. Elliott Woods, Superintendent of Capitol Grounds, authorized the institution of an action to condemn property valued at over \$3,000,000, without making the slightest effort to keep within the limit of the law. What I am saying now is a résumé of what I said on a former occasion; and I hope to make it somewhat shorter. As I said then, and repeat now, the Baltimore & Ohio Railroad Co., the owner of much property in this zone, authorized Mr. Tawney, who was then chairman of the Committee on Appropriations, to state to the House that it, the Baltimore & Ohio Railroad Co., would take for its property original cost, plus 6 per cent interest. Otherwise, Mr. Tawney would not have said it. My contention now brings the matter down to one simple question: Is the Federal Government willing to pay the Baltimore & Ohio Railroad Co. nearly \$600,000 more for its property than it has asked? That, in my judgment, is practically the only question which you now have to solve.

In the speech to which I have referred, which I made upon a former occasion, I read from the CONGRESSIONAL RECORD the statement made by Mr. Tawney upon this floor, which statement, in my judgment, induced Congress to pass the bill. At that time I also read a letter from Mr. George E. Hamilton, the chief attorney in the District of Columbia for the Baltimore & Ohio Railroad Co., in which letter Mr. Hamilton stated that the Baltimore & Ohio Railroad Co. was willing to take the original cost, plus 6 per cent interest, for the land. Through an accountant it has been ascertained beyond question that under the awards which the President of the United States has rejected that company was to receive about \$595,000 more than it had asked for the property. In the bill which passed Congress the President had the right to reject the awards. There were about 175 of those awards, which affected many individuals. Many humble people owned property in that territory, and own it now; but, as I said before and as I wish to repeat now, that litigation was so conducted that when the awards were made they so united in one proceeding that they were held by the President and the Attorney General to be inseparable. In other words, the President found himself in the position, when the matter came to him for his acceptance or rejection, that he must accept the awards as a whole or reject them as a whole. Before the Baltimore & Ohio Railroad Co. was arrayed these people as a bulwark, as it thought, against the President's rejection. But the President, in his courage, as badly as it hurt him, refused to pay these humble people the money represented by the awards, and by his act, rather than by word, said, "While I hate to deprive these people of their money any longer, I can not be the instrument of extracting from the Treasury nearly \$600,000 for the Baltimore & Ohio Railroad Co. more than it asked for the property when Congress was induced to pass the act of 1910."

This resolution is now before you, because a separation of the awards is desired.

Mr. COOPER. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. COOPER. That is a very important statement—that the railroad company offered this property at one time at \$600,000 less than this award. Will the gentleman just state when that was, so as to get that point clear?

Mr. JOHNSON of Kentucky. If the gentleman had been here on the occasion of my former speech, he would have gotten that.

Mr. COOPER. Then, how did they come to get \$600,000 more in this award than they were willing to accept?

Mr. JOHNSON of Kentucky. I will say to the gentleman I have not the CONGRESSIONAL RECORD before me containing my speech upon the former occasion, and, as I have just said, I read from the old CONGRESSIONAL RECORD, giving page and date of the speech of Mr. Tawney, saying that they were willing to take original cost plus 6 per cent interest. I read upon that occasion a letter from Mr. George E. Hamilton, chief attorney for the Baltimore & Ohio Railroad in the District of Columbia, saying that they were willing to take that price.

Mr. FERRIS. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Wait a minute. The commission was originally composed of ex-Vice President Sherman, ex-Speaker Cannon, and the Superintendent of the Capitol Building and Grounds, Mr. Elliott Woods. In the meantime Mr. Sherman had died, Mr. Cannon had gone out of Congress, and, while he remained a member of the commission, it resulted in its being practically a one-man commission, made up of Mr. Elliott Woods. The commission, with the authority to either purchase or condemn, did not purchase the property at the price which the Baltimore & Ohio Railroad agreed to accept, but subjected it to condemnation.

The condemnation commissioners allowed the Baltimore & Ohio Railroad about \$595,000 more than it had originally asked for it.

Now I yield to the gentleman from Ohio.

Mr. POST. The gentleman has placed in the RECORD a letter from the attorney of the Baltimore & Ohio Railroad Co., in which he claims that the Baltimore & Ohio Railroad Co. offered to take for all of this ground its original cost plus 6 per cent interest. I will ask the gentleman if he is not absolutely mistaken in that respect; that at the time the Baltimore & Ohio Railroad Co. made that offer it related simply to ground to be included in streets that would be projected on account of the removal of the Baltimore & Ohio station to its present location from its old location, and that offer was made in 1901 and the project of extending the Capitol Grounds was never considered until 1908 and long after the depot had been established at its present location?

Mr. JOHNSON of Kentucky. The Baltimore & Ohio Railroad stated through its attorney, George E. Hamilton, to the Commissioners of the District of Columbia that it was willing to take original cost, plus 6 per cent interest, for that land; and then, about 1908, Congress took up a proposition to purchase it. Later Mr. James E. Tawney stood upon this floor and made the statement that it was still willing to take original cost, plus 6 per cent interest, for it.

Mr. STAFFORD. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. STAFFORD. I take it the gentleman is very solicitous about having these small property owners paid for the land which the Government has taken?

Mr. JOHNSON of Kentucky. I have said so.

Mr. STAFFORD. Will the gentleman explain now what his purpose is in having brought before the committee a House joint resolution in substitution for the Senate joint resolution, which is identical in phraseology, which, if the Senate joint resolution passes the House, it puts the bill in conference, whereas if the House joint resolution is passed it means it has to go through the Senate before it can go to conference?

Mr. JOHNSON of Kentucky. The gentleman is mistaken that the Senate joint resolution is the same as that which I propose.

Mr. STAFFORD. Will the gentleman yield further?

Mr. JOHNSON of Kentucky. Yes.

Mr. STAFFORD. I followed the reading of the resolution now under consideration—House joint resolution 308—with Senate joint resolution, with the amendment reported by the committee, which, I wish to say, is identical in phraseology with the joint resolution we are now considering.

Mr. JOHNSON of Kentucky. The Senate joint resolution which came over to the Committee on the District of Columbia did not contain more than four or five lines. The District Committee reported an amendment to that. Afterwards I introduced a separate resolution, providing that half of the cost should be paid by the United States and half by the District of Columbia. The Committee on the District of Columbia amended it by striking out that provision.

Mr. STAFFORD. But the gentleman has not explained why he would not have been further advanced by considering the amendment submitted by his committee to Senate joint resolution.

tion 129, which is identical in phraseology with the resolution now being considered by the House.

Mr. JOHNSON of Kentucky. I will say very frankly to the gentleman that I did so in order to gain a parliamentary advantage, for the purpose of preventing, so far as lay in my power, the Baltimore & Ohio from getting more for its land than it had asked for it. Further answering the question of the gentleman from Wisconsin [Mr. COOPER], I will say—having been interrupted, I do not now recall whether I stated it or not; but I think I did: if I did not I will repeat—that while this property was offered by the Baltimore & Ohio Railroad to the Government at about \$595,000 less than the awards there was no effort, as far as I am advised, to buy it at the original cost plus 6 per cent interest.

In a speech which I made on July 13 here I went into details and gave squares and lots, stating the purchase price that the Baltimore & Ohio Railroad Co. paid for them. I then added the 6 per cent interest. That amount is what I say should be paid for this property, if taken at all.

Mr. J. M. C. SMITH. Mr. Chairman, will the gentleman yield there?

Mr. JOHNSON of Kentucky. Yes.

Mr. J. M. C. SMITH. Has the gentleman computed the amount, and can he give us a statement of what the difference should be?

Mr. JOHNSON of Kentucky. I have ascertained the original cost of the land, and it is all contained in my speech of July 13 last. You will find that 6 per cent interest from the time of the original purchase has been added to the original cost. Now, take that sum and subtract it from the amount which the condemnation commission allowed for that property, and there is a difference of about \$595,000 against the Federal Treasury.

Now, gentlemen, let me call your attention to what I think is the situation that comes up here regarding this measure. The gentleman from Ohio [Mr. POST] has been taking a great interest in a former constituent of his; I am not sure of his name. Was it McDonald?

Mr. POST. McDowell.

Mr. JOHNSON of Kentucky. Yes. The gentleman has been taking a great interest in Mr. McDowell. The gentleman from Ohio [Mr. POST] offered a resolution seeking to have his former constituent and the other owners paid their money. So far as this related to the individual owners I have not heard a voice lifted against that proposition. We are in the attitude to-day—put there largely by the gentleman from Ohio [Mr. POST]—where he is not willing for his ex-constituent to secure the money awarded to him unless, at the same time, the way be opened for the Baltimore & Ohio Railroad to be paid about \$600,000 more for its property than it had asked for it.

Mr. POST. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Ohio?

Mr. JOHNSON of Kentucky. I do.

Mr. POST. I certainly deny that assertion. But the difficulty with the gentleman's resolution is this—

Mr. JOHNSON of Kentucky. I prefer that the gentleman should not make a speech in my time.

Mr. POST. The gentleman has made an assertion which I absolutely deny.

Mr. JOHNSON of Kentucky. The conflicting resolutions speak for themselves.

Mr. POST. I wanted to propound a question to the gentleman. How do you propose to procure the property that is owned by the Baltimore & Ohio Railroad Co. under your resolution?

Mr. JOHNSON of Kentucky. I will answer the gentleman in one second. Not only is the gentleman from Ohio unwilling to take the money for his former constituent unless the way is opened for the Baltimore & Ohio Railroad to be paid \$600,000 more for its property than it has asked, but the gentleman is also in the position of not being willing for his former constituent to take his money unless it comes through the hands of Mr. Elliott Woods. He has stood here for weeks demanding that Mr. Elliott Woods, above all others, shall be upon this commission. Pray tell me why any man should demand that he should be upon this commission? He was the chief commissioner when this excessive award to the Baltimore & Ohio Railroad was made. He approved it, and the President disapproved it.

Now, if you demand that he continue upon this commission, have you not just as much right to demand that the former condemnation commission can come in and condemn again? [Applause.] You demand, Mr. POST, that Mr. Elliott Woods shall be upon this commission. You demand that the way be opened for the Baltimore & Ohio Railroad to be paid \$600,000 more for

its property than it asked for it. But you say you seek nothing beyond the payment of the award to your ex-constituent and to the other individuals who happen to live in the zone.

Pass the resolution which I have introduced, and which has been reported favorably out of the committee, and which we are now considering, and then what do you do? You authorize the President of the United States to appoint a commission of three men, and it does not say, like the other resolution, that the former commissioner, Mr. Elliott Woods, shall be one of them.

Now, Mr. POST, "the gentleman from Ohio." I desire to answer your last question right here. The resolution which I introduced provides for the acquisition of this property by purchase, and the commissioners who make the purchase, representing the United States Government, can not pay more than the condemnation awards. There is fixed in my resolution that maximum limit as to the price to be paid to individual owners. They can not pay more than that. Then the gentleman from Ohio [Mr. POST] asks how we are going to acquire the property of the Baltimore & Ohio Railroad if they will not take the amount of the award. My resolution provides that the Baltimore & Ohio Railroad property shall not be acquired by this commission at an amount exceeding the original cost plus 6 per cent interest; and the commission to be appointed by the President has the right to ascertain these figures and compute the interest at 6 per cent, just as I have done.

The gentleman from Ohio [Mr. POST] says, "Suppose the Baltimore & Ohio Railroad does not take that price for it, then what are you going to do about it?" The President of the United States asked me the same question. My answer to him was this: "Mr. President, this is the first time in the history of our Nation when the President of the United States has risen up to smite as a wrong and as a fraud one of these condemnations made by these professional condemnation juries in the District of Columbia." [Applause.] I further said to him that in my judgment he should not acquire it at all, but leave it standing there as a lasting monument to his honesty and his courage in refusing to allow the Public Treasury to be robbed. [Applause.] I said to him, further, that every stranger who comes into the Union Station and alights from a train will see that unimproved place standing there and will ask why it is. The answer will be from everybody that the courageous and brave Woodrow Wilson stood in the way of the proposition and prevented the plunder of the Public Treasury, and that unimproved area is left there as a silent monument to his honesty and to his courage. [Applause.]

The resolution which I advocate has been assailed for these many weeks, principally by the gentleman from Ohio [Mr. POST] and the gentleman from Pennsylvania [Mr. LOGUE]. What is there in it that anybody should object to, unless he wants some particular commissioner named or unless he wants to put in the property of the Baltimore & Ohio Railroad at more than it is worth and more than that company has agreed to take for it? They object to my resolution, and during the time of their objection those people who ought to have their money are kept without it. They ought to have their money to-day, and this resolution of mine ought to pass to-day, and it ought to pass without a dissenting vote.

But there are things in my resolution that are opposed. Here is one:

Provided, however, That the purchase price to be paid hereunder for any of said real estate which was owned by either the Baltimore & Ohio Railroad Co. or the Real Estate & Improvement Co. of Baltimore City at the time when said action No. 1046 was instituted shall not exceed the bona fide, actual, original cost thereof to either of said companies, plus 6 per cent interest thereon from the date of purchase by either of said companies until the date upon which the court confirmed the awards made in the aforesaid district court action No. 1046.

Who, I ask, can object to that? It is but an acceptance of the proposition made by the Baltimore & Ohio Railroad. Yet we find objection to paying them exactly what they offered to take. We find objection to paying them the amount which Mr. Tawney stated they would take for it, and which statement I have no doubt induced Congress to pass this bill.

Another part of the proviso is:

No purchase herein provided for by said commission shall be deemed to be complete until such purchase shall have been approved by the President of the United States. When the President has so approved and the Attorney General of the United States has certified that all necessary deeds conveying to the United States the unencumbered, fee simple title to the real estate so purchased have been delivered, the President shall cause payment of the agreed purchase price to be made to the person or persons entitled thereto. All such payments shall be made out of the appropriations heretofore made for the acquisition of said real estate.

Each of the purchases made in pursuance of the provisions of this resolution shall be deemed to be a separate transaction from any other purchase made hereunder.

My proposition makes these awards separable. The President can accept any one or more of them, and he will again be at liberty to reject the extortionate demands made by the Baltimore & Ohio Railroad.

The proviso goes still further:

No person who has within the last five years served on any commission or on any jury in any proceeding to condemn real estate in the District of Columbia shall be eligible to be a member of the commission herein provided for; neither shall any ex-Member of Congress or any Member of Congress be a member of said commission.

Who should object to that? Yet there is objection to it. I have insisted for more than two months that that provision should go in the resolution. But the other resolution offered as a substitute for this does not contain that provision. In my speech—made, I believe, on the 13th of July—I stated, and I now repeat, that I developed under oath before the Committee on the District of Columbia, that out of about 141 condemnation juries in the District of Columbia during the last five years only about 152 men had made them up. Where else upon earth can that condition be found? It has been reported to me—I have not run it down—that one of the attorneys in the District of Columbia for the Baltimore & Ohio Railroad Co. sought the appointment of one of the principal men, one of the dominant men upon the condemnation commission. I feel quite sure that I can substantiate that if called upon, because I believe my information comes from a reliable source.

Another one of the provisions which my resolution contains is that "neither shall any ex-Member of Congress nor any Member of Congress be a member of said commission." That, too, has been opposed upon the floor of this House. Speeches have been made here in opposition to that clause. But do we not find it difficult now to keep Members here upon the floor of this Chamber? Why burden them with the duties of real estate experts or take them away from their duties upon the floor of this House? I say that no Member of Congress should be made a member of a commission to carry out the provisions of a bill which he himself helps to pass. Neither should a Member of Congress go upon a commission when his action as one of the members of that commission is apt to come back to the body of which he is a Member for approval or rejection.

My resolution further provides:

Each of the commissioners herein provided for shall, before entering upon the duties of the position, state under oath (or affirmation) that neither he nor any member of his family owns or has a lien upon any real estate or has any financial interest whatever in any real estate within the zone herein set out.

That is embodied in my resolution, but it is in no other that has been offered to you.

If a man owns real estate within that zone, or if a member of his family owns real estate in that zone, will some one please tell me why he should not be excluded from being a member of that commission?

My resolution further states—

And, further, that neither he nor any member of his family has, since the institution of the court proceedings hereinbefore referred to, owned any stock in or bond of any corporation which owns land in said zone; and, further, that neither he nor any member of his family is the creditor of anyone who owns land in said zone.

My resolution provides that that man shall not be upon the commission. No other resolution which has been offered to you contains that provision. Who of you is ready to say that that provision is not a good and wholesome one? Are you going to let that commission be made up of men who own property in that zone, or some member of whose family owns property in that zone? I hope not.

My resolution further provides—

And that neither he nor any member of his family is the creditor of anyone who owns land in said zone.

It is the custom in the District of Columbia to lend 80 or 90 per cent of its value upon real estate. The provision which I have in this resolution is objected to. Why should this provision be objected to? If any man or any member of his family has 80 or 90 per cent loaned upon the value of any property in that zone, should he not be excluded from that commission to purchase it? Yet the former resolutions which have been brought here, debated, and insisted upon have not contained that provision.

My resolution further provides—

And, further, that neither he nor any member of his family is an officer of or has any stock in or bond of any bank, trust company, or other corporation which is the creditor of any person who owns real estate within said zone.

This resolution, I say, contains that exclusion as to the personnel of the commission. No resolution which has been offered to you contains that. Do you tell me that the director or officer of a trust company which has large sums of money loaned on property in that zone should be on that commission in order to

make sure the United States shall pay enough for that depreciating property in order to see that the institution of which he is an officer gets its money and interest? He could not represent both his financial institution and the Federal Government. He could not faithfully serve two masters in this matter; and when he is driven to make a choice he will take the one nearest to him, he will give the benefit of the doubt to his corporation.

Why need anybody object to this provision in this resolution? And yet objection is made to the extent that for months people who should have had their money have not received it. Objection comes to-day to still further keep the people out of their money until it shall be made possible for the Government to pay to the Baltimore & Ohio Railroad \$595,000 more than it has said it would take for its property. Why keep these good people out? Why permit the Baltimore & Ohio Railroad to longer hide behind the skirts of these women who were sent to Congress and to the President to petition? If these awards had been separable, as they should have been, and as I ask that they shall be, then these individuals would get their money and the Baltimore & Ohio Railroad would either take the price that it has said it would take or it would be permitted to let its property stand there, as I have just said, a silent but lasting monument to the courage of Woodrow Wilson.

Mr. COX. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. COX. The gentleman touched on a point that I have never quite understood. Why were not the awards originally made separable; was it through any law that provided for the condemnation proceedings, or was it the fault of somebody else?

Mr. JOHNSON of Kentucky. Let me tell the gentleman something. Insistence is made here to-day that Mr. Elliott Woods be made one of the next commissioners. He, as a commissioner in the condemnation proceedings, had an attorney to represent the commission who—this attorney—after the awards were made, and after 30 days' time had been given in which any owner might file exceptions to his award, went into court 4 days before the expiration of the 30 days and, upon his motion, these awards were confirmed.

Mr. COX. Then was it the fault of the attorney or Mr. Woods?

Mr. JOHNSON of Kentucky. The attorney prepared the petition so that the awards could not be made separately—so that they would have to pay to the Baltimore & Ohio Railroad Co. its excessive \$600,000 or pay nobody, or create the situation we now have before us.

Mr. COX. Will the gentleman yield for another question?

Mr. JOHNSON of Kentucky. Certainly.

Mr. COX. Under the law under which the condemnation proceedings were had, could there have been separate suits brought so that separate judgments and awards could have been made upon them?

Mr. JOHNSON of Kentucky. That was the only way in which it should have been done.

Mr. COX. Could it have been done under the law?

Mr. JOHNSON of Kentucky. Yes; and if the Federal Government had had a square deal, it would have been done.

Mr. BURNETT. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. BURNETT. Upon that point I wish to say that I had a conference with the Attorney General in regard to that matter, and his opinion was that under the law there could not be separable awards rendered. He said that he should have advised the President not to accept it, because this was one compact proposition, and his judgment was that it should not be accepted unless all were accepted. That is, as I understand, the opinion of the President, that he could not pay these judgments in severalty.

Mr. JOHNSON of Kentucky. Notwithstanding that statement, and with all due deference to the place it comes from, let me state this fact: The law provided that not more than \$500,000 worth of property should be acquired in any one year. Yet by the last proceeding about three and a quarter millions of dollars of alleged worth of property was condemned, when every man, woman, and child in the District of Columbia who cared to know knows that it was contrary to law.

Mr. LOGUE. Will the gentleman yield right there?

Mr. JOHNSON of Kentucky. Yes.

Mr. LOGUE. When the separate proceedings were instituted under the \$500,000 appropriation, were they instituted as two particular appropriations or a particular tract?

Mr. JOHNSON of Kentucky. I have not investigated to see; but the Baltimore & Ohio Railroad has had its hand at the throat of the District of Columbia ever since 1828, and if there is anything they did not get from Congress it is due to the sim-

ple reason that they did not ask for it. If the Baltimore & Ohio Railroad asked that a condemnation proceeding should be against more than one owner at a time, then I say it was done.

Mr. COX. Will the gentleman again yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. COX. Did I understand the gentleman to say that there have been three separate condemnation suits?

Mr. JOHNSON of Kentucky. The present appropriation of nearly \$3,000,000 makes four appropriations which have been made. There were three former appropriations of \$500,000 each. The first appropriation of \$500,000 was not used when it could have been used. It was allowed to remain unused until the second \$500,000 appropriation had been made, and then they condemned the two squares immediately in front of the Senate Office Building.

Let me say here that I have no doubt that there are gentlemen here who believe that the houses which have already been torn down have not been paid for. That is a great mistake. Some of the papers in the District of Columbia have led people to believe that those torn-down houses have not been paid for. Every one of them has been paid for. They were paid for out of the first two \$500,000 appropriations plus about \$100,000 out of the third appropriation.

Mr. COX. I think the gentleman's statement is a complete answer to the statement made by the gentleman from Alabama [Mr. BURNETT] that it was intended that all proceedings be conducted at the same time.

Mr. JOHNSON of Kentucky. Mr. Chairman, every man who has ever seen within the covers of a law book knows if there is a right given, without express limitation to that effect, to condemn the property of A, B, C, and D, that A may be sued in one action, that B may be sued in another action, that C may be sued in another action, and that D may be sued in another action, and in a case of this kind they should be. Those awards could have been made in separate actions. Here the law plainly provided that not more than \$500,000 worth of property should be condemned in any year. As I said before, the several owners were given 30 days' time within which to file exceptions to the awards, but before the 30 days had expired—4 days before the 30 days had expired—the attorney representing the United States Government stepped in and, upon his motion, the awards were affirmed, and I can tell you why.

Mr. COX. Let us hear it.

Mr. JOHNSON of Kentucky. At that time the Sixty-second Congress was expiring. Do not you remember, Mr. Cox—does not each of you who was in the Sixty-second Congress remember—that the appropriation bill which carried the nearly \$3,000,000 provision contained a clause which said, in substance, that no part of any money appropriated by that act should be used against labor organizations or to interfere with farmers' combinations? President Taft vetoed that bill because that clause was in it; and if that clause had not been in it he would have approved it. The hurry up of the four days would have enabled President Taft to approve the awards before he went out of office. As I said, he vetoed the bill because of the clause to which I have just referred. The 4th day of March came and Mr. Taft went out and the Sixty-second Congress expired. Then this \$3,000,000 appropriation was included in the appropriation bill which Mr. Taft had vetoed. Woodrow Wilson had become President. He signed the appropriation bill which Mr. Taft had vetoed, but he disapproved the awards, the payment of which had been provided for in the appropriation bill.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. STAFFORD. Does the gentleman mean to convey the idea that President Taft owned any of this property in these Plaza awards?

Mr. JOHNSON of Kentucky. Oh, no; I have not the slightest information that he did.

Mr. POST. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. POST. Can the gentleman give us the page in the Record in which he claims Mr. Tawney made the statement that the Baltimore & Ohio was satisfied to take the original cost of the property plus the interest?

Mr. JOHNSON of Kentucky. I will give the gentleman my copy of the CONGRESSIONAL RECORD here, and he can find it for himself. I do not want him to stop me in the middle of my remarks to hunt it up for him.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. COOPER. The gentleman made one statement that struck me as most extraordinary, and that is that the attorney for the condemnation commissioners himself went into court

4 days before the 30 days allowed for filing objections to the award—

Mr. JOHNSON of Kentucky. That is my statement.

Mr. COOPER. Four days before the 30 days had expired, and himself disregarded that limitation and asked for the approval of the award by the court.

Mr. JOHNSON of Kentucky. That is my unequivocal statement—no "if's" or "and's" about it.

Mr. COOPER. Will the gentleman tell what court that was?

Mr. JOHNSON of Kentucky. It was in a court presided over by Judge Gould, I think, but I am not sure.

Mr. COOPER. Judge Gould?

Mr. JOHNSON of Kentucky. Yes; I think so; but I repeat that I am not certain on this point.

Mr. COX. Who was that attorney?

Mr. JOHNSON of Kentucky. I have his name in my office, and I will get it and insert it in the Record.

Mr. COOPER. So that, if one of these people had felt that he had been unjustly dealt with in the matter of the award, and therefore desired to take advantage of the original order of the court, allowing 30 days within which to file objections, he would have been absolutely deprived of any such opportunity during the last 4 days?

Mr. JOHNSON of Kentucky. Yes. It is my opinion, however, and it is my unqualified opinion, that nobody has suffered by the awards which have been made.

Mr. COOPER. I know, but that sort of irregularity can not be condoned.

Mr. JOHNSON of Kentucky. That is a thing which should not be condoned.

Mr. COOPER. Exactly.

Mr. JOHNSON of Kentucky. And because I thought it should not be condoned I have spoken of it.

Mr. COX. Has the gentleman ever obtained any word from that attorney, directly or indirectly, as to why he pursued that destructive course?

Mr. JOHNSON of Kentucky. No.

Mr. COX. Does the gentleman know whether there is any connection between this attorney and the Baltimore & Ohio Railroad?

Mr. JOHNSON of Kentucky. I do not.

Mr. COX. Or between this attorney and Elliott Woods?

Mr. JOHNSON of Kentucky. I do not.

Mr. FERRIS. Is he still in the service?

Mr. JOHNSON of Kentucky. I understand he is not.

Mr. SMITH of Minnesota. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. SMITH of Minnesota. I understood the gentleman to say that gentlemen representing the Government prepared the decree and had it signed by the courts four days before—

Mr. JOHNSON of Kentucky. I did not say who prepared the decree. The awards were confirmed by the court 4 days before the expiration of the 30 days which had been given within which to file exceptions.

Mr. COOPER. By the same court?

Mr. JOHNSON of Kentucky. Yes.

Mr. SMITH of Minnesota. Is there any reason why that decree could not have been set aside?

Mr. JOHNSON of Kentucky. I am not prepared to answer.

Mr. LOGUE. Will the gentleman yield for a question for information?

Mr. JOHNSON of Kentucky. Yes.

Mr. LOGUE. Was the decree of court made under an agreement of counsel on both sides or ex parte?

Mr. JOHNSON of Kentucky. I have not the records before me, and at the time I was investigating the record I did not look to ascertain that point.

Mr. LOGUE. Does it not seem strange that any court would undertake to confirm a report before the expiration of the time for filing exceptions, unless counsel had agreed?

Mr. JOHNSON of Kentucky. So remarkably strange that I have commented upon it at length, and I will answer the gentleman a little bit further and I will say to him that, as my recollection serves me—I am speaking from recollection only—but if my recollection serves me correctly, there was no agreement.

Mr. LOGUE. It was such a startling thing I thought proper to ask the question.

Mr. JOHNSON of Kentucky. It struck me as a most startling thing when I came across it in the record.

Mr. LOGUE. Will the gentleman yield again?

Mr. JOHNSON of Kentucky. I do.

Mr. LOGUE. Can the gentleman refer me to the act of Congress under which these condemnation proceedings were had?

Mr. JOHNSON of Kentucky. The act of June 25, 1910.

This attorney, when he filed the petition, the first petition to acquire the two squares in front of the Senate Office Building, made an allegation in his petition that he had two appropriations of \$500,000 each, and the effect of the allegation was that he was seeking to condemn within the provisions of the act of 1910, which required him to keep within \$500,000 a year. Yet when he filed this petition to acquire, according to the awards, more than \$3,000,000 worth of property he left that allegation out of the petition. Now, if he did not know better, why did he leave it out? If he entertained the opinion that there was law for acquiring three and a quarter million dollars of property in only one year, then he would have made an allegation in the second petition which showed the authority for the action. The petitions show for themselves upon this point.

Mr. FERRIS. At that point will the gentleman yield for an elementary question?

Mr. JOHNSON of Kentucky. Yes.

Mr. FERRIS. I almost hate to ask the gentleman about it; but I know very little about it, and some of the rest of us are in the same position, and we desire to have the information upon which we can properly vote. What is the exact method of drawing these condemnation juries here? In what manner was it started?

Mr. JOHNSON of Kentucky. There is an act back in 1890, when they sought to acquire a site for the Printing Office, and they set out in that act how it should be acquired. That provided that the court should appoint three men to make the awards. That worked so admirably for the property owners that many times the code of law for the District of Columbia, wherein condemnation proceedings were provided, was ignored entirely, and this old act, which proved such a smooth-running piece of machinery to get more than the property was worth, was invoked and it was made part of the act of June 25, 1910.

Mr. FERRIS. Did three commissioners make the awards for all of this property?

Mr. JOHNSON of Kentucky. Yes; three.

Mr. FERRIS. Appointed by the court?

Mr. JOHNSON of Kentucky. Yes.

Mr. FERRIS. And there is no restraint anywhere in the law that they shall be parties not of interest and not within the zone affected by the condemnation?

Mr. JOHNSON of Kentucky. I have not the statute before me now.

Mr. BURNETT. If the gentleman will permit, the commissioners, as I understand them, were the Speaker, the Vice President—

Mr. JOHNSON of Kentucky. The gentleman from Oklahoma [Mr. FERRIS] is speaking of the condemnation commission.

Mr. BURNETT. That is the jury.

Mr. JOHNSON of Kentucky. No; that is not the jury at all. The gentleman makes the same mistake in one of his resolutions.

Mr. FERRIS. The number of these commissioners is limited to three on this property?

Mr. JOHNSON of Kentucky. They are limited to three, while the code itself, which is on the table before the gentleman, provides that condemnation juries shall be not less than five.

Mr. COX. I desire to develop one more question that brings out another thought to me. I understand that all this land was condemned by a commission of three?

Mr. JOHNSON of Kentucky. Yes.

Mr. COX. The gentleman made a statement a moment ago, while he did not state it as a positive fact, but he believed it to be true, that this attorney—

Mr. JOHNSON of Kentucky. One of the attorneys of the Baltimore & Ohio Railroad—

Mr. COX (continuing). Sought to get one of the commissioners appointed.

Mr. JOHNSON of Kentucky. He had sought, as I have been told, through the business men of the town to have one particular gentleman of the three appointed.

Mr. COX. Who was that man he sought to have appointed?

Mr. JOHNSON of Kentucky. I prefer not to say until I have the consent of the one from whom I got the information. If I get his consent, I will put the name in the Record.

Mr. COX. All right.

Mr. JOHNSON of Kentucky. But, further than that, this same man, whose name I do not now wish to disclose without permission so to do, was but recently a candidate for marshal of the District of Columbia.

Mr. COX. He did not get it, did he?

Mr. JOHNSON of Kentucky. No. [Laughter.] And he did not know he was a candidate for marshal of the District of Columbia until one of the counsel for the Baltimore & Ohio Railroad told him so. [Laughter.] He sought indorsements, saying that it had been suggested to him to become a candidate for United States marshal for the District of Columbia by one

of the attorneys for the Baltimore & Ohio Railroad. The marshal of the District of Columbia summons all the other condemnation juries.

Reference has been made here to the letter of Mr. George E. Hamilton, stating what they would take for their property in this zone. Let me tell you something about that. The Union Station is practically a gift to the Terminal Co., and the Terminal Co. is the property of the Baltimore & Ohio Railroad and the Pennsylvania Railroad—

The CHAIRMAN (Mr. BARKLEY). The time of the gentleman from Kentucky has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to conclude his remarks. The House ought to know about this, if it should know anything.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that the gentleman from Kentucky [Mr. JOHNSON] be allowed to conclude his remarks. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Chairman, I do not think the gentleman wants such a liberal amount of time. Let him put some limit on it.

Mr. JOHNSON of Kentucky. Say, 10 minutes.

Mr. FERRIS. I ask unanimous consent, Mr. Chairman, that the gentleman from Kentucky may proceed for 30 minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the gentleman from Kentucky may proceed for 30 minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Kentucky. As I was saying, Mr. Chairman, the Union Station is practically a gift from the Federal Government to the two railroads. The Federal Government, in the way of giving land, streets, and money, has given, in round figures, \$8,000,000 to that corporation. In 1901 or 1903—I forget now which it was—the Baltimore & Ohio Railroad came to Congress and asked, not to be permitted to sell these lands which are now in controversy to the Federal Government, so that the money gotten from the sale would go toward building the Union Station—they did not come here and offer to exchange that land for other land which the Federal Government gave them—but they came here and asked for a gift, pure and simple, of a million and a half dollars. Congress gave it in February, 1901 or 1903.

Just one year thereafter a subsidiary of the Pennsylvania Railroad came to Congress and asked that it, too, be given a million and a half dollars. Congress gave it. They did not come here and say to the Federal Government, "We are going to build a magnificent station down here; we have got old lands, depreciating in value, left upon our hands, and we ask you to take that land in exchange for stock in our company." They did not ask Congress to take \$3,000,000 worth of stock in their corporation by paying money for it, but they asked it as a gift, and they got it.

They are back here now, as they have been accustomed to come since the good year 1828, for the purpose of asking and receiving this bountiful gift of \$600,000, in round figures, at a time when the President of the United States is calling upon Congress to levy and collect a war tax from the already tax-ridden people of this country. Why give them \$600,000 more for their property than they ask and in the same breath vote an additional tax upon the people of this country?

Yet the Baltimore & Ohio Railroad finds its defenders here. The Baltimore & Ohio Railroad has never been without its defenders here. As was recently said to me by a prominent Republican upon the floor of this House—and he is now present—"Away back yonder, down toward the Mall, the Government of the United States put at the disposal of the Baltimore & Ohio Railroad about 14½ acres of property, and gave them the free use of it until they did not want it any longer and until they came and got the \$8,000,000 which the Federal Government has put into that Union Station." This same gentleman said to me—and I quoted him once before—"In the District of Columbia they have gotten everything they have ever asked for," and he was apprehensive that they would ask and get the Congressional Library as a roundhouse. [Laughter.]

Mr. CARY. Mr. Chairman, does the gentleman mean the Baltimore & Ohio Railroad or the Pennsylvania Railroad down there?

Mr. JOHNSON of Kentucky. As I recall, it was the Baltimore & Ohio Railroad.

Mr. SIMS. If it was the station down here on Pennsylvania Avenue at Sixth Street it was the Pennsylvania Railroad; but it makes no difference, so far as the merits of the case go. They had occupied that Government property time out of mind and had not even paid taxes on it.

Mr. JOHNSON of Kentucky. Now, you have the same proposition as to the Baltimore & Ohio Railroad over here right now,

The Baltimore & Ohio Railroad has the use and occupancy of some streets as a right of way, and to-day it is refusing to pay taxes on it, notwithstanding it has the exclusive use of them. That condition exists right now while I stand here.

Mr. Chairman, when interrupted and diverted from the thread of what I was saying, I was reading some provisions which I had in this resolution of mine as to what the commissioners appointed by the President should not be. You have already heard a number of them. Another of them is—

And, further, that he is not financially indebted to any person, firm, or corporation which owns real estate in said zone, or who has any loan to any person who owns real estate in said zone; and, further, that he is not indebted to or employed by any person, firm, or corporation which owns or has a lien on real estate in said zone.

Now, under this provision no man can be one of the commissioners if he be indebted to or employed by any person, firm, or corporation which owns or has a lien on real estate in said zone. In other words, he must be left free and untrammelled by anyone. The lender of money on property in that zone should not be able to say to one of these commissioners, "I am interested in property in that zone, and you owe me borrowed money. Unless this property is taken care of by you, then I will foreclose the mortgage which I have on your property."

I say that provision ought to be in this resolution; but no resolution except this has been offered heretofore which contained it. Why should anybody object to that clause being in it? Yet objection is made.

Another proviso in my resolution is as follows:

And, further, that neither he nor any member of his family has, since the institution of the court proceeding heretofore referred to, accepted or used any pass or other form of free transportation upon any railroad or subsidiary thereof which owns, directly or indirectly, any real estate within said zone.

Some people may argue that the giving of a railroad pass or free transportation would not corrupt a man who might be selected by Congress or by anybody else to be upon this commission. I do not know but that I agree fully with that. But there is another phase of which you can not, if you try, rid yourselves, and that is that passes in these days are not given out indiscriminately, and when they are given out they are given to officials and to particular friends. This provision should remain in this bill, because if the commissioner or the man who seeks to be a commissioner or the man who is suggested to be commissioner has for himself or his family accepted or used a railroad pass from any of these people, then he now must be either an employee of theirs or a particular friend of theirs, and if he be either he should not serve upon this commission.

Mr. POST. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. POST. Under this resolution how would you obtain any property the owners of which were under any disability, either insane persons or minors?

Mr. JOHNSON of Kentucky. My dear friend, you have on the table, within 8 feet of you, a copy of the Code of Laws for the District of Columbia, and in that Code of Laws, on page 129, I think, you will find the full and entire method of procedure for getting title from anyone who is under disability.

Mr. POST. How is the Government to take advantage of that method of procedure?

Mr. JOHNSON of Kentucky. I see what the gentleman is driving at. He is after the proposition that I in my resolution have provided for no condemnation. I have purposely provided for no condemnation. If the property of the Baltimore & Ohio Railroad is to be acquired at all, it should be acquired within the price they have made to Congress; and if they are not now willing to take that price, then that property ought to stand there forever, as I said a while ago, as a monument to remind every incomer to the District of Columbia that at last there was somebody here to stand between the Baltimore & Ohio Railroad and the Federal Treasury. Just a few days ago the gentleman from Illinois [Mr. MANN], in answer to some one upon the Democratic side, said, "Millions for defense, but not a penny for tribute." I will agree to spend money in payment for the property of these poorer classes in that section, but I stand for the proposition that we should not pay a cent in tribute to the Baltimore & Ohio Railroad.

Mr. POST. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. POST. As a business man do you think it would be good business for Congress to take part of this property and not take it all?

Mr. JOHNSON of Kentucky. Yes; a thousand times over, rather than be held up.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. BUCHANAN of Illinois. Is there no law under which those who have committed this holdup can be prosecuted?

Mr. JOHNSON of Kentucky. Oh, I have not looked into that. I think not, because it is left to the opinions of men, and opinions have a wide range.

Now, Mr. Chairman, when I took the floor I contemplated addressing myself to the committee for not exceeding 15 minutes. Question after question has been asked until I have unwillingly continued the discussion of this subject for more than an hour. Notwithstanding that I spoke on this same subject on a former occasion and that I have now spoken for more than an hour, the whole story is not yet told. [Applause.]

Mr. LOGUE. Mr. Chairman—

The CHAIRMAN. The gentleman from Pennsylvania is recognized for one hour.

Mr. LOGUE. Before addressing the House I would like to see if we can at this time reach an agreement as to the time for debate. What is the suggestion of the gentleman from Kentucky [Mr. JOHNSON]?

Mr. JOHNSON of Kentucky. I am anxious to hurry through two propositions—one that the humble people down there may get their money, and the other that the Baltimore & Ohio Railroad may not get this \$800,000.

Mr. LOGUE. Suppose we say an hour and a half for our side and 15 minutes in conclusion for your side?

Mr. JOHNSON of Kentucky. Mr. Chairman, I reserve the remainder of my time. How much is it?

The CHAIRMAN. The balance of what the gentleman was given by unanimous consent.

Mr. JOHNSON of Kentucky. Yes; I was given 30 minutes in addition to my hour.

The CHAIRMAN. The gentleman used 15 minutes of the 30.

Mr. LOGUE. Mr. Chairman, I ask unanimous consent that general debate be limited to one hour and three quarters, 15 minutes thereof to be controlled by the gentleman from Kentucky [Mr. JOHNSON] and one hour and a half to be controlled by myself on behalf of those in opposition to his resolution.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that general debate be limited to one hour and three quarters, 15 minutes to be controlled by the gentleman from Kentucky [Mr. JOHNSON] and the remainder by himself. Is there objection?

Mr. SIMS. Mr. Chairman, reserving the right to object, I would like to inquire if this debate is to proceed this afternoon?

Mr. LOGUE. Partly.

Mr. SIMS. There will not be any vote on the merits of the bill this afternoon?

Mr. LOGUE. No.

Mr. SIMSON. Mr. Chairman, can this be done in Committee of the Whole?

Mr. STAFFORD. Yes; by unanimous consent.

The CHAIRMAN. The Chair thinks it can be done by unanimous consent. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

Mr. COOPER. Mr. Chairman, I would like to ask the gentleman from Pennsylvania one question.

Mr. LOGUE. I will yield to the gentleman.

Mr. COOPER. Suppose the reduction of \$595,000 is made to the railroad, on the basis of the original Baltimore & Ohio proposition that they would take the original cost plus 6 per cent, what would be the award now for the payment to the Baltimore & Ohio Railroad?

Mr. LOGUE. I will refer that to the gentleman from Kentucky.

Mr. JOHNSON of Kentucky. The last appropriation made for this was two million eight hundred thousand and some odd dollars, with an unexpended balance of something like \$400,000 from the third \$500,000 appropriation. In other words, the unexpended appropriation was about three and one-quarter million dollars. If you subtract about \$800,000 from that, you will have the amount that would be paid under the proposition contained in the bill.

Mr. COOPER. That is to all of the owners. What would be paid to the Baltimore & Ohio Railroad Co.?

Mr. JOHNSON of Kentucky. My recollection is that the awards made to the Baltimore & Ohio Railroad Co. and its holding company amounted to something over \$1,700,000. I have not the figures before me, but, instead of getting \$1,700,000, they would get something like \$1,100,000 if my resolution should be adopted.

Mr. LOGUE. Mr. Chairman, acting and speaking for and on behalf of the Committee on Public Buildings and Grounds that has had under careful consideration the propositions of the Plaza award for some time, I purpose to address myself to the

condition that now confronts us without regard to any of the ills, errors, and mistakes of the past; and not seeking to approve in the slightest degree of any act taken for and on behalf of any corporation, but just meeting the condition that confronts us at this time.

None of the committee holds any brief for the Baltimore & Ohio Railroad or any corporation. They were first moved to action in this by reason of the complaint that emanated from a number of property owners that there was a cloud placed on their title that the Government, if not actually, had practically taken their property so that it was not good as a matter of conveyance and not good as a security for loans. Loans had become due, and demand was being made for the payment, and the title was so clouded that there was no opportunity for the renewal of the old loan or the placing of a new one.

We found the condition to be that the President of the United States, having before him the report of the jury—which out of habit I will style the jury of view, or a condemnation jury—and having by the acts of Congress the right to either approve or disapprove of the awards made, approved of some and disapproved of others. He disapproved of the Baltimore & Ohio award, and he approved of many of the individual awards. The legal question then arose, the proceedings being proceedings of an entirety and not separable, that therefore he could not approve a part and disapprove of a part, and the whole proceedings fell following his disapproval. The result, therefore, was that the people owning small property found themselves unable to receive payment from the Government.

We took two views of this matter, and one is that this is a great public improvement—what is commonly known as our plaza improvement—that seeks to make an improved approach to the Capitol and a vast improvement around this portion of the city of Washington. That is the undertaking. I sought information of the gentleman from Kentucky regarding that part of the act of Congress that provided for the condemnation proceedings. That is the first. Congress has in the past thought well to provide for the condemnation of the particular pieces of ground embraced in the report that is the subject of discussion. As was said, and I feel I am free to quote the statement, when the members of the Committee on Public Buildings and Grounds called on the President he said to us that whether the taking of the entire tract was a good thing or whether we would do it to-day was of no consequence; it had been ordered, and there was nothing else to do but to clean the matter up as best could be done, with justice to the individuals as well as to the Government.

Mr. Chairman, if we are building monuments we have the opportunity in this case, under the substitute offered by the Committee on Public Buildings and Grounds, to make just as fine a monument as that referred to by the gentleman from Kentucky [Mr. JOHNSON]. He suggests unimproved tracts of land to greet the visitor coming into the great Capital City as a reminder of the sterling worth of our President, who stood against corporate greed. No one can excel me in admiration for the man with whom this country has been blessed in having as the Executive of our great Nation at this time; but I will carry the picture that he has drawn further and say that it would unfortunately depict that, in the opinion of the Congress of the United States, there is no man or set of men honest enough in the city of Washington to be put on a jury of view to fix the value that is to be paid for property taken in condemnation proceedings.

I would not have the visitor entering our Capital City perhaps in future years have pointed out to him unimproved, neglected, waste tracts of land, and have it presented to him as a monument erected to the fact that the great Congress of the United States did not consider there were six men in the District of Columbia of simple worth and merit who were to be intrusted to pass on matters between the Government and others as to the value of things.

Mr. JOHNSON of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. LOGUE. Certainly.

Mr. JOHNSON of Kentucky. Would the gentleman be willing to have inscribed upon the monument to which he has just referred the fact that out of about 140 condemnation juries in the District of Columbia in five years last past they were made up of only about 152 men?

Mr. LOGUE. I would have that monument bear the inscription that it was entitled to bear. It would speak for the act of to-day and not for those things that have passed away. It would speak for the administration of justice in the District of Columbia and the drawing of a jury by the United States marshal, who happens to be a Democrat, and will know how to per-

form his duty, and will give us six sterling, well-trying, honest men, who are not subject to the influence of any corporation.

Mr. JOHNSON of Kentucky. Will the gentleman yield further?

Mr. LOGUE. Yes.

Mr. JOHNSON of Kentucky. If the gentleman is willing to criticize the past and praise the future, wash his hands of the past and accept the future, why does he insist upon former Commissioner Elliott Woods still remaining on this commission?

Mr. LOGUE. Mr. Chairman, I know not the personality of any person in connection with this. The first suggestion made to the Public Buildings and Grounds Committee was the Speaker of the House, the Vice President of the United States, and a third party. Those gentlemen were too busy. The subsequent suggestion was the chairman of the Committee of Public Buildings and Grounds of the House, the Chairman of the Committee on Public Buildings and Grounds of the Senate, and a third party. Those men found themselves too much occupied. I am not considering the personality of any individual, because there is in the substitute offered by the Committee on Public Buildings and Grounds every safeguard to which the gentleman has paid a great tribute. You have the veto power of the President of the United States on the question of the purchase, and you have the veto power of the President of the United States on the question of any approval of any condemnation measure. Do not let us get away from the plain, simple thing that is before us. We have here a resolution coming from the Public Buildings and Grounds Committee that pays tribute to no interest, that does not seek to benefit any interest. This resolution seeks to clean up a thing that has been hanging for years, and provides, first, that the commission which will be appointed shall have the right to purchase from the people willing to sell—and at what price? At such price as to them shall seem proper, but not exceeding the award heretofore made by the jury of view. And, secondarily, but primarily, because it is of greatest importance, there is the check that you must have the approval of the President of the United States to any such proposition. We have thrown about that all of the safeguards imaginable. We have thrown about that every precaution that we could.

Mr. GORDON. Then why does the gentleman object to the additional precaution that these commissioners shall consist of disinterested men?

Mr. LOGUE. One minute; I will answer the gentleman's question. The question the gentleman puts to me is predicated upon the fact that the statements of the gentleman from Kentucky are to be accepted as stated conditions.

Mr. GORDON. Yes.

Mr. LOGUE. Let me just give the gentleman a little order of things. Let me advise the gentleman that the Committee on Public Buildings and Grounds were the ones to first act on this case and to bring in a report upon the Senate resolution which was referred to them providing for the proper selection of a jury of disinterested men, not related to any property owner, not a member of any corporation; and the statement of the gentleman from Kentucky that we oppose his resolution is met by the fact that the resolution that he is advocating to-day has only been presented to this House to-day, and that our resolution, with all safeguards around it, was presented more than two months ago and discussed more than two months ago, and that his statement is entirely voluntary in throwing upon us the responsibility and the odium of opposing safeguards.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. LOGUE. Yes, sir.

Mr. JOHNSON of Kentucky. Does not the gentleman know that the resolution I introduced was introduced on the 1st day of September and it has been on the calendar for nearly two weeks?

Mr. LOGUE. Yes, sir; I am aware of it.

Mr. JOHNSON of Kentucky. One more question, please. The gentleman has just made a statement relative to the limitations upon the commissioners placed in what I may call his resolution. May I not ask the gentleman if those limitations were not placed in there since I made a speech upon this floor on July 13?

Mr. LOGUE. I believe not.

Mr. JOHNSON of Kentucky. I would like for the gentleman to get the bill and answer.

Mr. LOGUE. I do not think there is any difference at all.

Mr. JOHNSON of Kentucky. I would rather the gentleman would get that proposition that was before us at that time and say yes or no to it.

Mr. LOGUE. I will look it up and answer the gentleman before I am through. We are not therefore to be put in a

position of being obstructionists of something that has come in here because in the discussion in July there was no question at all with reference to the protection and safety to be thrown around the drawing of a jury. I believe it was a gentleman upon the other side [Mr. BARTON] who at that time stated we throw over to the United States marshal the question of a selection of a jury and that the people should not be interested directly or indirectly, gave to us all the safety that we should have. I am not one who is a believer in viewing everything that is big as being corrupt. I am not one who thinks human kind is corrupt and as being the subject of scrutiny if you shake hands with a president of a railroad company, or know a member of the family, or being connected with a board of directors many years ago when there was an offer made as to transportation. Why, I take it as being a broad proposition that men can be properly selected. The gentleman refers to the fact of the number of men who have served on juries in the District of Columbia. I can call attention to the custom in many other parts of the country. I can say that in the city of Philadelphia where we have proceedings day in and day out that the jurors appointed for the purpose of viewing and condemning property could be safely limited in a city of a million and a half population to about 60 or 70 people, so that our legislature in its wisdom thought well in the year 1911 to pass an act constituting a permanent jury of view and all the property in the great State of Pennsylvania that is to-day sought to be condemned for public use, whether by a corporation under the right of eminent domain or whether by the city in the opening of streets or the laying of sewers, and so forth, comes down to the same men.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. LOGUE. Yes, sir.

Mr. JOHNSON of Kentucky. I have before me the original resolution which the gentleman has been advocating, and on page 11 I find this language:

That after the return of the marshal and the filing of the proof of service of the notice provided for herein, the court shall cause a jury of six experienced, judicious, disinterested men, who shall be residents of and freeholders within the District of Columbia, not related to any person interested in the proceeding and not in the service or employment of the District of Columbia or of the United States, or otherwise interested in such proceedings, to be summoned by said marshal, to which jury, etc.

In a question put to him, I asked him if he would be willing, if a monument were erected upon the Plaza, to have inscribed thereon the statement that there had been during the last five years about 130 condemnation juries, made up of about 150 men; to which the gentleman gave a somewhat evasive answer. But I find in the language that I have just read that his provision provides that these jurymen shall be "experienced." Now, please tell me why you want "experienced" jurymen on this condemnation case of the Baltimore & Ohio Railroad?

Mr. LOGUE. Yes, sir; yes, sir. We want experienced men, because men of experience are the best able to handle conditions.

Mr. JOHNSON of Kentucky. No; what I read means "experienced jurymen."

Mr. LOGUE. Oh, no.

Mr. JOHNSON of Kentucky. Oh, I beg the gentleman's pardon; it clearly does.

Mr. LOGUE. If it does, it is clearly an error, and the gentleman's criticism is captious.

Mr. JOHNSON of Kentucky. It is a worthy parallel to other errors.

Mr. LOGUE. No; it is simply an incidental result of the fine-toothed-comb methods adopted by the gentleman from Kentucky, who has gone ahead and made various statements here regarding corruption, and when you pin him down to the facts you find he does not know them to be facts. If the term "experienced jurymen" is used there, of course it is a mistake. There is no such thing as an experienced jurymen.

Mr. JOHNSON of Kentucky. You mean elsewhere than in the District of Columbia?

Mr. LOGUE. I do not care where it is. "Experienced jurymen" is a meaningless phrase, and the error there was clearly manifest, if that phrase is there. I have not looked at it, and I do not know what the exact wording is; but if the gentleman assures me that it is there, I will take his statement for it.

Mr. BURNETT. Mr. Chairman, if the gentleman will permit, the language used there is, "a jury of six experienced, judicious, disinterested men." The whole phrase is:

The court shall cause a jury of six experienced, judicious, disinterested men, who shall be residents of and freeholders within the District of Columbia, not related to any person interested in the proceeding and not in the service or employment of the District of Columbia or of the United States, or otherwise interested in such proceed-

ings, to be summoned by said marshal, to which jury the court shall have administered an oath or affirmation that they are not interested in any manner in the lands or lots to be condemned and are not related to any of the parties interested, and that they will, without favor or partiality, and to the best of their judgment, ascertain the damages to which each owner of land to be taken is entitled at its true market value.

Mr. LOGUE. Yes.

Mr. JOHNSON of Kentucky. Experienced in what branch?

Mr. LOGUE. Experienced in common sense.

Mr. JOHNSON of Kentucky. May not a man have common sense and not be experienced as a jurymen?

Mr. LOGUE. I claim that the greatest knowledge acquired in this world is that which has been acquired by experience, and the men who are acquainted with things and know the condition of things are the men who may perhaps live in the back streets and in the courts, and they can be experienced men, aye, more highly experienced than the man of wealth. The man who lives in the back street or in a court may have gone into the very buildings that have been torn down and depleted. He may have gone into the property that has been destroyed. He may be a mechanic who knows what it costs to put up buildings. He may have had the plans and specifications of these buildings submitted to him by the builder. That is the man of experience, and I am not confining it to any narrow line such as is intended to be brought about by the gentleman from Kentucky. You need experienced men, and you want men who, when statements are made to them to the effect that the cost of a particular building is so and so, have had some practical experience in connection with that matter which will lead them to know how outlandish the statements of witnesses may be; men who can bring their practical experience into play, and who do not have to blindly accept the statements of people under oath who are not acquainted with the subject.

I have found by my experience at the bar that the men who have the best experience are the men who mix with their fellowmen in everyday life, and in drawing jurors in a case I would rather have them on a jury than I would the subsidiary experience of men such as those to whom my friend from Kentucky wants to limit and circumscribe that application. So, thanking the gentleman from Alabama [Mr. BURNETT] for calling to the attention of the House the fact of the exact wording of that measure—

Mr. JOHNSON of Kentucky. I will ask the gentleman if I did not read it?

Mr. LOGUE. I do not know.

Mr. JOHNSON of Kentucky. You do not doubt it?

Mr. LOGUE. I have said publicly, and I would repeat publicly, that if the gentleman said any particular thing existed in a paper that he read I would not bother about looking at it afterwards. I would accept his statement. But I find, as well, that the gentleman from Alabama [Mr. BURNETT], when it comes to the descriptive character of the jurymen, has given us an illuminating effect and not the narrow condition that would have been given by the gentleman from Kentucky. So that, taking this up as the proposition, the committee provides for what? The committee provides for the purchase of properties where the price is considered satisfactory to the commission and where the President of the United States approves of that price. Can we have any greater safeguard than that? [Applause.]

I think up to that point the gentleman from Kentucky and our committee absolutely agree.

There can be nothing at all to be complained of on one side or the other regarding that proposition—that where people are willing to accept payment and make deeds to the United States, conveying a good and marketable title, clear of any encumbrance, and the price is satisfactory to the commissioners, and that price meets the approval of the President of the United States, then the purchase shall be made. What is the effect? The effect means the immediate payment to the people where the price is satisfactory all the way round.

Now, we both agree on that. Then we come to the point where we think differently. The gentleman from Kentucky [Mr. JOHNSON] stops there. There is no further provision made by him for this great improvement excepting by indirection, and that is that there shall be no purchase of any property owned by the Baltimore & Ohio Railroad—and, mark you, he then goes further—or the Baltimore & Ohio Railroad's holding company, or any property acquired from the Baltimore & Ohio Railroad or the Baltimore & Ohio Railroad's holding company, the effect of which would be, not to be technical, that the person who in good faith years ago bought property from the Baltimore & Ohio Railroad or its holding company would be able to have paid only in the amount which the Baltimore & Ohio Railroad or its holding company may have paid for the

property 10 or 15 or 20 years in advance of that sale. That is number one. But we will say that is trivial. I will take it under the broad proposition that every piece of land would be a piece of land either held by the Baltimore & Ohio Railroad or a holding company for the Baltimore & Ohio, and that there has been no such thing as a transfer over to any third party who would be so caught or affected.

But the gentleman from Kentucky then limits it and says that in dealing with this proposition you shall pay only the cost price plus 6 per cent interest, and bases that as an attempt on the part of this House arbitrarily to fix that which in due process of law can be ascertained and fixed. All claimants look alike to me. And if to-day you must insert the proposition that A's property and B's property can be bought for only such a sum, you are thereby stepping over the line when you are providing for an ascertainment of value by general proceedings. Were we dealing with the question of the condemnation of a single piece of ground and making an appropriation for that piece of ground, for the erection of a building, it might be very proper to limit the cost. But we have this condition and need an answer to the question: Suppose the Baltimore & Ohio or its holding company will not sell, then what will you do? Will you take the rest of the land, have a crazy-quilt condition over there on the Plaza, and then have a few guides or instructors to tell the visitor who comes in and looks around and says, "What means this condition of a great public improvement?" "Why, we are keeping those lots, with grass growing wild upon them and weeds all over them, as a monument to the act of a gentleman who refused to approve the report of a jury rendered some years ago." I do not believe we want that kind of monuments. The sterling worth of men will be better preserved than by evidences of neglect. Great public improvements will mark the progress and the honesty and the sincerity of men; but the monument that is sought here by the gentleman on the other side would be a disgrace to the administration of justice in the United States and would be a confession that we do not believe our citizenship is pure and clean enough to be trusted under oath with the consideration of the disputes of men, but that we have to gag the courts of justice in advance by putting a limit on the sum that a jury may award them for damages that have been done. We want no such monument as that erected in this great land of ours. [Applause on the Republican side.]

Therefore we come to consider the second phase of the proposition that we have to deal with; that is, the completion of a great public improvement. And how do we provide for it? We do not provide for it in this House in advance by virtue of a letter written by some person. I will grant him full plenipotentiary power to write letters and to bind the company in any way. We do not want laws suggested and disputes settled in any such way as that, done in advance.

Our committee does what? Our committee says that if the price is not agreed upon as no more than the award of a jury, and has not been approved by the President of the United States, there shall then be selected by the marshal of the Supreme Court of the District of Columbia six disinterested persons. On July 13 the gentleman from Kentucky [Mr. JOHNSON] pointed out that we did not do this and we did not do that, and since then we have added the statement, in a further resolution reported by the committee, after passing over the question of interest by family relationship, ownership, or anything else, that no juror shall be the agent, servant, officer, stockholder, or bondholder of any company interested in any of the plots of land that are to be taken; and that that jury shall sit and hear the evidence and determine the value and file its report subject to the exceptions and rejections that are incident to formal court proceedings of that character. But even after the overruling of objections and the approval by the court of the findings of the jury, no payment shall be made of any award unless the President of the United States still approves of it. What more can you have?

Mr. OGLESBY. Would it disturb the gentleman if I asked him a question?

Mr. LOGUE. Not at all.

Mr. OGLESBY. I see that this bill says that the sum paid shall not exceed the amount of the award made in the condemnation proceeding. Have these proceedings that were heretofore instituted been finally disposed of—that is, have they been discontinued?

Mr. LOGUE. There is an open question on that. I thank the gentleman for asking the question. The proceedings, as stated by the gentleman from Kentucky [Mr. JOHNSON], were approved, and therefore, as regards the court proceedings, they were a finality. But before the payment was to be made there was yet necessary the approval of the President of the United

States. He approved in part and disapproved in part. The Attorney General then held that that partial approval and partial disapproval was a total disapproval, and therefore the awards had fallen, and he went into court and formally discontinued the proceedings on the record, from which the Baltimore & Ohio Railroad, I believe, or somebody, has appealed, saying that he had no right to discontinue them.

Mr. OGLESBY. In the formal order of discontinuance, was there any provision made for the payment of the expenses of the different property owners who had been forced into court against their will?

Mr. LOGUE. No. The entry of the discontinuance by the Attorney General of the United States was entirely an ex parte proceeding. He went in and marked the cases "discontinued," and from that an appeal to a higher court has been taken.

Mr. BURNETT. The appeal is only by the Baltimore & Ohio Railroad?

Mr. LOGUE. It is an appeal only by the Baltimore & Ohio Railroad.

Mr. PETERSON. Did the court approve of the act of the Attorney General?

Mr. LOGUE. It did not depend on the approval of the court. It was purely an ex parte proceeding. He went in as I would, as an attorney for a plaintiff, and marked "Discontinued," or "These proceedings are discontinued." Exceptions were taken to the discontinuance, and the question that will come up under that is decidedly a fine legal question which may lead to testing the validity of the proviso that brought the President of the United States, in his approval or disapproval, into a judicial proceeding.

Mr. HARDY. Will the gentleman yield?

Mr. LOGUE. Yes.

Mr. HARDY. Can not this whole matter as to the Baltimore & Ohio Railroad be settled by a joint resolution authorizing the payment of the claims which the President had approved and leave those that he disapproved for the future action of Congress?

Mr. LOGUE. We took up that proposition and we were met with the opinion of a high law official of the Government that it was doubtful whether there could be such a corrective resolution passed that would be effective, inasmuch as he would consider that it would come within the definition of an ex post facto law.

Mr. HARDY. A law passed authorizing the purchase from these parties whose claims have been approved by the President would be legal? It would be a voluntary conveyance.

Mr. LOGUE. We do that in this very resolution.

Mr. HARDY. But your trouble is whether we should pay the Baltimore & Ohio Railroad?

Mr. LOGUE. There is no question of trouble as to what we will do with the Baltimore & Ohio Railroad, but as the President has already disapproved of the Baltimore & Ohio Railroad award, it follows, naturally, that he would disapprove any attempt to pay the Baltimore & Ohio Railroad an excessive sum.

Mr. HARDY. Granting that, suppose that is thrown out, can not we pass a law specifying the awards to these poor people and leaving the rest for future settlement? Why should we tie these poor people up to the Baltimore & Ohio Railroad?

Mr. LOGUE. We do not tie up anybody; we clean up the entire thing.

Mr. HARDY. If Congress is willing to satisfy these poorer people, why not separate them and let the others go?

Mr. LOGUE. I suppose that our committee were to a great degree influenced in its conclusion by the plain, practical talk we had with the President. We spoke to him about the very thing, and told him that we would take it up as an entire proposition.

Mr. HARDY. I want to say to the gentleman that I would be mighty glad to take it up as a separate proposition and satisfy these poor people whose claims have been approved and relieve them from their situation.

Mr. OGLESBY. Will the gentleman from Pennsylvania yield for me to ask the gentleman from Texas a question?

Mr. LOGUE. Yes.

Mr. OGLESBY. I would like to ask the gentleman from Texas a question. I understood the gentleman from Kentucky to state that some of these parcels owned by the railroad were intermixed, as it were, with property owned by individuals, so that the title of a lot here and a lot there in the same block would be owned by the railroad and others between owned by individuals, so that if we only took the property of individuals and not that of the railroad we would have property that was practically of no use to us.

Mr. HARDY. I do not understand the situation at all.

Mr. BURNETT. Mr. Chairman, I desire to state to the gentleman that the bill reported by the Committee on Public Buildings and Grounds does just what the gentleman from Texas [Mr. HARDY] suggests. It authorizes the President either by purchase or by condemnation to acquire any of these tracts that he may desire. The bill reported by our committee provides that in case there can be no agreed purchase made, then a commission can condemn. As a matter of fact, I understand that nearly all the smaller property holders are willing to accept the original award. In the bill we report we authorize the payment by purchase from all of these smaller property holders at a price not exceeding the amount of the award. Then if they will not agree to that, if any one of the smaller property holders is unwilling to accept the amount of the award, or if the President does not desire to settle with the Baltimore & Ohio, the commissioners can proceed with condemnation if they desire to do so.

Mr. JOHNSON of Kentucky. Will the gentleman yield to me for a moment there?

Mr. LOGUE. Certainly.

Mr. JOHNSON of Kentucky. If that were done and the Baltimore & Ohio Railroad denied the validity of the dismissal of the former condemnation matter, might not the Baltimore & Ohio Railroad have two condemnation awards at the same time, taking chances in the meanwhile that the last award would be greater than the first?

Mr. BURNETT. I imagine that that commission would never proceed to a second condemnation until the courts had finally decided the validity of the first.

Mr. JOHNSON of Kentucky. I do not see why the gentleman should draw on his imagination at all.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield?

Mr. LOGUE. Certainly.

Mr. GOULDEN. About what is the amount of the claims that the President has approved?

Mr. LOGUE. I could not state.

Mr. GOULDEN. Approximately.

Mr. BURNETT. My understanding is that the President perhaps has not disapproved any of the smaller claims. As to what is the aggregate amount, I do not know.

Mr. LOGUE. I think I can reach that.

Mr. JOHNSON of Kentucky. I will answer that the Baltimore & Ohio and its holding company have about 55 per cent of this money.

Mr. GOULDEN. Then 45 per cent rests with the smaller property owners?

Mr. JOHNSON of Kentucky. It applies to people other than the Baltimore & Ohio.

Mr. GOULDEN. That the President has approved of, and should be paid?

Mr. LOGUE. Yes. The award to the Baltimore & Ohio was a certain amount, and we could deduct that from the whole amount to find the remainder.

Mr. Chairman, how much time have I used?

The CHAIRMAN. Forty-one minutes.

Mr. STAFFORD. Mr. Chairman, I would like to inquire of the chairman of the committee what his purpose is in respect to rising?

Mr. JOHNSON of Kentucky. Mr. Chairman, my purpose is, when the gentleman from Pennsylvania has concluded, to move to rise.

Mr. LOGUE. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman has used 41 minutes.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. Wingo, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration bills affecting the District of Columbia; that it had directed him to report back the bill (H. R. 13219) to provide, in the interest of public health, comfort, morals, and safety, for the discontinuance of the use as dwellings of buildings situated in the alleys in the District of Columbia, with an amendment, with the recommendation that the amendment be agreed to, and that the bill as amended do pass; and that it had also had under consideration House joint resolution 331, relating to the awards and payments thereon in what are commonly known as the Plaza cases, and had come to no resolution thereon.

The SPEAKER. The question is on agreeing to the amendment to the bill H. R. 13219.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the table.

LABOR.

Mr. FRANCIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of labor.

The SPEAKER. Is there objection?

There was no objection.

RIVER AND HARBOR APPROPRIATIONS.

Mr. MOORE. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by inserting a short report of a shipping disaster on the Atlantic coast yesterday, showing the necessity for the early passage of the river and harbor appropriation bill to open up the channels of this country to commerce and trade.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent to extend his remarks in the Record by printing a short report on the subject of a marine disaster on the eastern coast of the United States which occurred yesterday. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 13 minutes p. m.) the House adjourned to meet to-morrow, Tuesday, September 15, 1914, at 12 o'clock noon.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 17570) granting a pension to Gustav J. Tichy; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill H. R. 14880) granting a pension to Frank Bachmeyer; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14881) granting a pension to John Gibbert; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16388) granting a pension to Florence B. Eckert; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CLARK of Florida: A bill (H. R. 18780) to equalize transportation rates on vegetables, citrus fruits, and other fruits transported from one State to another State of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. BROWNING: A bill (H. R. 18781) authorizing the Secretary of War to make sales of horses to the various States for military purposes without expense to the Government; to the Committee on Military Affairs.

Also, a bill (H. R. 18782) appropriating \$39,770 for the improvement of Raccoon Creek, N. J.; to the Committee on Rivers and Harbors.

By Mr. SPARKMAN: A bill (H. R. 18783) to increase the limit of cost of the United States post-office building and site at St. Petersburg, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. HOWELL: A bill (H. R. 18784) to amend section 2324 of the Revised Statutes of the United States relating to mining claims; to the Committee on Mines and Mining.

By Mr. BRYAN: A bill (H. R. 18785) to authorize the President of the United States to locate, construct, and operate a railroad from Marysville, Utah, to the Kaibab National Forest, Ariz.; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANSBERRY: A bill (H. R. 18786) granting an increase of pension to Charles Hoff; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 18787) granting a pension to Elizabeth Emmell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18788) granting an increase of pension to Anna W. Hawk; to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 18789) granting an increase of pension to Silas N. Whitted; to the Committee on Invalid Pensions.

By Mr. DONOHUE: A bill (H. R. 18790) granting an increase of pension to William E. Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18791) granting a pension to Harriet Trout; to the Committee on Invalid Pensions.

By Mr. EDMONDS: A bill (H. R. 18792) granting a pension to Johanna McL. Budge; to the Committee on Pensions.

By Mr. FOWLER: A bill (H. R. 18793) granting an increase of pension to Levi T. E. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18794) granting an increase of pension to Charles McCurdy; to the Committee on Invalid Pensions.

By Mr. HAMILL: A bill (H. R. 18795) granting a pension to Anne Kennedy; to the Committee on Invalid Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 18796) for the relief of Catharine McCue; to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 18797) granting an increase of pension to Lewis Cole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18798) granting an increase of pension to Virginia Smith; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 18799) for the relief of the heirs of David Ballenger; to the Committee on War Claims.

By Mr. RUSSELL: A bill (H. R. 18800) granting an increase of pension to Lucinius A. Layton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18801) granting an increase of pension to Charles G. Walker; to the Committee on Invalid Pensions.

Mr. THOMPSON of Oklahoma: A bill (H. R. 18802) granting a pension to Thomas W. Boggs; to the Committee on Pensions.

Also, a bill (H. R. 18803) granting a pension to Joshua D. Ditto; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18804) granting a pension to John L. Barr; to the Committee on Invalid Pensions.

By Mr. WICKERSHAM: A bill (H. R. 18805) granting an increase of pension to Harvey M. Wilson; to the Committee on Invalid Pensions.

By Mr. WILLIS: A bill (H. R. 18806) granting a pension to Emma E. Shellenbarger; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AINEY: Petition of Rev. J. H. Dickerson and others, of Towanda, Pa., favoring national constitutional prohibition; to the Committee on Rules.

By Mr. BAILEY (by request): Petition of sundry citizens of Bedford County, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. BARCHFELD: Petition of the Cigar and Stogie Manufacturers' Association of the city of Pittsburgh, Pa., against any increase of revenue tax upon cigars; to the Committee on Ways and Means.

By Mr. CARY: Petition of P. K. Jensen, paymaster's clerk, United States Navy, relative to status of paymasters' clerks in the United States Navy; to the Committee on Naval Affairs.

Also, petition of John Graf Co., of Milwaukee, Wis., and the Wisconsin State Bottlers' Association, against additional tax on "soft" drinks; to the Committee on Ways and Means.

Also, petition of the Consolidated Sheet Metal Works and the Biersach & Niedermeyer Co., of Milwaukee, Wis., favoring amending House bill 14288 so as to place sheet-metal work on an equality with plumbing, heating, and electrical work; to the Committee on Public Buildings and Grounds.

By Mr. GOOD: Petition of sundry citizens of the fifth congressional district of Iowa, favoring House bill 5308 to tax mail-order houses; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island: Petition of five citizens of Rhode Island, favoring national prohibition; to the Committee on Rules.

Also, petition of the Rumford Chemical Works, of Providence, R. I., relative to proposed tax on proprietary medicines; to the Committee on Ways and Means.

By Mr. STAFFORD: Petition of various motion-picture employees of Milwaukee, Wis., protesting against any excise tax on theater tickets; to the Committee on Ways and Means.

By Mr. TREADWAY: Petition of the Central Labor Union of Boston, Mass., relative to strike situation in Colorado; to the Committee on Labor.

Also, petition of the Woman's Christian Temperance Union and the Equal Suffrage Leagues of Berkshire County, Mass., favoring Federal censorship of motion pictures; to the Committee on Education.

Also, petition of Branch No. 237, National Association of Civil Service Employees, of Pittsfield, Mass., favoring the Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. VOLLMER: Petition of Mrs. George Anderson and others, against Senate bill 5687 and House bill 16904, which would bring railroad tracks directly opposite Sibley Hospital and Rust Hall in Washington, D. C.; to the Committee on the District of Columbia.

SENATE.

TUESDAY, September 15, 1914.

(Legislative day of Saturday, September 5, 1914.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

PRESIDENT PRO TEMPORE UNITED STATES SENATE,
Washington, September 15, 1914.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. J. T. ROBINSON, a Senator from the State of Arkansas, to perform the duties of the Chair during my absence.

JAMES P. CLARKE,
President pro tempore.

Mr. ROBINSON thereupon took the chair as Presiding Officer, and said:

The Senate resumes consideration of the unfinished business.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. KENYON. Mr. President, at the time of the discussion yesterday of the governmental ownership of railroads, when I was railroaded off the floor, I was trying to read some of the comments of various papers in the country that seem to have taken more of interest in the river and harbor bill than the Senate. I want to proceed with that rather leisurely, because I have a great deal to say on this subject. I am anxious that this debate should proceed in a friendly spirit and without acrimony.

Criticism of this bill, I think, ought not to arouse the feelings of any of the gentlemen who are upon the committee. They say they invite criticism, but not a filibuster. If we can not criticize the bill, of course there is but little use in discussing it. If any criticism of the bill is considered to be a criticism of the committee, then, of course, we can not discuss the bill without criticism of the committee. If any discussion of the bill is a criticism of the Army engineers, then we are precluded from discussing the bill, if we are to offend the feelings of the Army officers by doing so.

I have no desire, Mr. President, to offend anybody in this discussion. It has proceeded in a very pleasant way. There have been many pleasantries exchanged. The Senator from Texas [Mr. SHEPPARD] gave a most delightful presentation of the cause of Trinity River, and I did not intend in the reference to Dr. Cook to cast any reflection upon the Senator from Texas. I was merely paraphrasing what seemed to me a very pat simile in this Chamber some years ago made by my predecessor, Senator Dolliver, in relation to the tariff bill. So I hope that in the reading of these extracts, although reference is made therein to the term "pork barrel," it will give no offense to any Senator. If it offends the Army engineers, I shall be sorry, but if they are so easily offended they will have to be offended.

The Senator from Louisiana [Mr. RANDELL] stated, substantially, that the opposition of the newspapers was a railroad opposition, although conceding that the very project that bears his name, known as the Ransdell-Humphreys bill, has been given publicity through contributions by the railroads. I am going to read from a number of these railroad papers, as he terms them. I do not want to interrupt any of the conversation, Mr. President.